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THE

LAWS OF WISCONSIN,

EXCEPT CITY CHARTERS AND THEIR AMENDMENTS,

Passed at the Biennial Session of the Legislature of 1889,

TOGETHER WITH THE

JOINT RESOLUTIONS AND MEMORIALS.

ALSO

POST-OFFICE ADDRESS OF THE CIRCUIT JUDGES, AND TIMES AND PLACES FOR HOLDING CIRCUIT COURTS,

WITH

INDEX OF SESSION LAWS SINCE 1878.

VOLUME I.

PUBLISHED BY AUTHORITY.

MADISON, WISCONSIN:
DEMOCRAT PRINTING COMPANY, STATE PRINTERS.
1889.

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LAWS OF WISCONSIN, 1889.

[No. 1, S.] [Published January 11, 1889.]

CHAPTER 1.

AN ACT to amend section 95, of the revised statutes, relating to electors of president and vice-president.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 95, of the revised statutes of Wisconsin for the year 1878, is hereby amended by striking out the words, "first Wednesday in December," in the second line thereof, and inserting the words, "second Monday in January," so that said section when amended shall read as follows: Section 95. The electors of president and vice-president shall convene at the capitol of this state on the second Monday in January next after their election, at the hour of twelve o'clock, noon, of that day, and if there shall be any vacancy in the office of an elector, occasioned by death, refusal to act, neglect to attend, or other cause, the electors present shall immediately proceed to fill by ballot, and by plurality of votes such vacancy in the electoral college, and when all the electors shall appear, or the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the constitution and laws of the United States.

Amending sec. 95 R. S.

Presidential electors; when to meet.

Section 2. This act shall take effect and be in force from and after its passage and publication.

Approved January 10, 1889.

[No. 14, S.] [Published January 23, 1889.

CHAPTER 2.

AN ACT to enable, permit and authorize th cities of Grand Rapids and Centralia to buil and maintain a free bridge across the Wiscon sin river, between said cities, on section seven teen, township twenty-two north, range si east.

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

Cities of Grand Rapids and Centralia may maintain free bridge across Wisconsin river.

SECTION 1. The cities of Grand Rapids an Centralia, in the county of Wood, are hereb enabled, permitted, authorized and empowered t erect and forever maintain a free bridge acro the Wisconsin river, between said cities, on se tion seventeen, township twenty-two north, range six east, on the site of the Wood coun bridge (now destroyed) heretofore authorized be built across said river by chapter 178, of t private and local laws of 1865, and for the pu pose of constructing and maintaining such bridg piers and abutments as they may deem availabl and also the approaches and right of way there heretofore acquired by said county of Wood, a all the rights, property and franchises acquir by said county by its purchase of said brid under the provisions of said act, as well as the a proaches thereto purchased by said county, a hereby transferred to and vested in said cities.

May contract for erection of bridge.

SECTION 2. Said cities, by their respective co mon councils at any time after the bonds provid for in section 5, of this act shall have been a thorized to be issued, shall be and hereby a authorized and empowered to contract in beh of said cities, and in their corporate names w any responsible person or persons, for the erecti of such bridge, in whole or in part, and in su manner as they may deem best, not inconsiste with the provisions of law, or to cause said bri to be erected and completed under the supervisi of a committee of two from each city, to elected by the common council thereof.

SECTION 3. The total expense authorized

the purpose of building said bridge shall not exceed five per centum of the value of the taxable property in said cities, to be ascertained by the last preceding assessment for state and county taxes, as determined by the board of supervisors of said Wood county, and such expense for building such bridge and repairs thereon for the future shall be borne and paid by said cities in the following proportions: Said city of Grand Rapids shall bear and pay three-fifths thereof, and said city of Centralia shall bear and pay two fifths thereof.

Expense not to exceed five per centum of valuation.

SECTION 4. Such bridge shall not be less than eighteen feet in width, shall have walks and strong railings at the sides, and shall be constructed and maintained in a substantial manner, and safe for the public to travel thereon. Said cities may at any time, by ordinance or resolution, prescribe regulations for the care, safety and proper use of said bridge, including penalties for the violation of said ordinances or resolutions, not inconsistent with the laws of this state, which penalties may be enforced by actions as for tort, in the name of the state of Wisconsin, before any justice of the peace of said cities, and all moneys recovered in any such action shall be paid unto the treasurers of said cities in proportion to the amount paid by each toward building said bridge. A legible copy of all regulations and of penalties for violation thereof, hereby authorized, shall be posted in a conspicuous place upon or near each end of said bridge, and shall thereupon be deemed in full force.

How constructed and regulated.

SECTION 5. For the purpose of building said bridge and raising money to pay for the same, said cities are hereby authorized and empowered to issue their bonds respectively to an amount not exceeding said sum of five per centum on the value of the taxable property therein, as provided in section 3, of this act, and in the proportion herein before specified, which bonds, or the proceeds thereof, or so much thereof as shall be necessary, shall be applied in payment of the expenses of building and completing such bridge, and for no other purpose. Said bonds shall be of the denomination of one hundred dollars each, and numbered consecutively, with coupons attached for the payment of interest annually at a

May issue bonds.

rate not exceeding seven per cent. per annum, and both principal and interest shall be made payable within a period not exceeding ten years from the date of issue. Not more than one thousand dollars, nor less than one-tenth of the principal of said bonds shall become payable in any one year by either city. Such bonds shall be executed by the mayor and countersigned by the clerk of said cities respectively, and have the corporate seal thereof attached thereto; provided, that before said bonds shall be issued the question of issuing such bonds shall be submitted to the qualified electors of said cities respectively, at an election to be held at the various election precincts therein; that notice of such election shall be first directed to be given by resolution of the respective common councils of said cities, and shall be published in a weekly newspaper of each of said cities at least one week prior to such election, and shall specify the time, place and manner of holding such election, and the question of issuing bonds shall be voted upon by ballot which shall read, "for issuing bonds," or "against issuing bonds," and, if a majority of all the legal ballots cast at such election in each of said cities shall be in favor of issuing such bonds, then said bonds shall be issued as hereinbefore provided, but not otherwise.

May levy tax to pay interest, etc.

SECTION 6. In case said cities shall issue their bonds as aforesaid, their respective common councils shall annually thereafter levy a tax on the taxable property of their respective cities, sufficient to pay the interest on all their respective bonds, which at the time of levying said tax shall be outstanding, and so much of the principal of such bonds as shall mature and become payable in such year, which tax shall be called, "city bridge tax," and shall be paid in money or in said bonds and coupons then due and payable.

Clerk of said cities to keep record of bonds.

SECTION 7. The clerk of each of said cities shall make and keep in his office a true record of the bonds issued under this act, which record shall contain the number and amount of each bond issued, the date of maturity thereof, the date when issued and the rate of interest thereon, and the date of payment and cancellation to be entered therein when the same are paid.

SECTION 8. The common councils of each of

said cities are hereby authorized to levy such tax annually as may be necessary upon the taxable property therein for the purpose of repairing and maintaining said bridge, such tax to be in the proportion hereinbefore mentioned. May levy tax for repairs.

SECTION 9. All the provisions of law in relation to bridges between towns and cities, not inconsistent with the provisions of this act, shall be deemed and held to apply to the bridge herein authorized to be built. Bridge laws to apply.

SECTION 10. All such parts of said chapter one hundred and seventy-eight, of the private and local laws of eighteen hundred sixty-five, as are inconsistent with the provisions of this act are hereby repealed. Repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved January 23, 1889.

[No. 40, S.] [Published January 25, 1889.]

CHAPTER 3.

AN ACT to amend section 1084, of the revised statutes, relating to tax rolls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1084, of the revised statutes, is hereby amended by adding to the end of said section the following: The county clerk shall have power to extend the time for the collection of the taxes in any tax roll made by him or his predecessor in office for the time, in the manner and with like effect as is provided in sections 1108 and 1109 of the revised statutes. Amending section 1084 R. S., county clerk may extend time for collecting taxes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved January 24, 1889.

[No. 25, A.] [Published January 31, 1889.]

CHAPTER 4.

AN ACT for the relief of Ozaukee county.

WHEREAS, By reason of the failure of the Ozaukee county bank, the county of Ozaukee defaulted in payment of moneys due the state for the year 1887, for and on account of school and other taxes; and

WHEREAS, Such default was occasioned through no fault of the officers or tax-payers of such county, the taxes having been collected ready for payment to the state at the time of the failure of said bank; and

WHEREAS, By reason of such default, the secretary of state, in the last current tax roll has charged, as required by law, the county of Ozaukee with interest on the amount for which it was in default; and

WHEREAS, Such default of the county as aforesaid, is deemed excusable: Therefore

The people of the state of Wisconsin, repesented in senate and assembly, do enact as follows:

Relief of Ozaukee county in payment of taxes, '87-'88.

SECTION 1. The state treasurer is hereby authorizen to settle with the county of Ozaukee, for the taxes of 1887 and 1888, without demanding or collecting any interest on the tax for which said county was in default; provided, said county shall promptly and on or before the first day of February next, settle and pay into the state treasury all sums of money now due, excepting interest only.

Penalties to be remitted.

SECTION 2. The secretary of state and the state treasurer are authorized and directed to remit any penalties assessed against the county as aforesaid, and to make such corrections upon their books respectively, as will carry out the purposes of this act.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved January 31, 1889.

[No. 6, A.] [Published February 4, 1889.]

CHAPTER 5.

AN ACT to authorize the county of Chippewa to issue bonds to fund its outstanding indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Chippewa county may issue bonds to fund indebtedness.

SECTION 1. The county board of the county of Chippewa is hereby authorized and empowered to issue the bonds of said county sufficient to pay and take up any or all of the outstanding indebtedness of said county now existing.

How issued.

SECTION 2. Said bonds shall be issued in denominations of one hundred dollars or some multiple thereof, and not exceeding one thousand dollars, and shall be numbered in regular order. Said bonds shall be made payable as follows: Five thousand dollars, June 1st, 1890; five thousand dollars, June 1st, 1891; ten thousand dollars, June 1st, 1892; ten thousand dollars, June 1st, 1893; ten thousand dollars, June 1st, 1894; ten thousand dollars, June 1st, 1895; ten thousand dollars, June 1st, 1896; ten thousand dollars, June 1st, 1897; ten thousand dollars, June 1st, 1898; ten thousand dollars, June 1st, 1899; and the balance thereof, June 1st, 1900. And only so much of said bonds shall be issued as shall be necessary for the purposes of this act, and the whole amount of bonds so issued shall not exceed the sum of one hundred and five thousand dollars Said bonds shall bear interest at a rate not exceeding five per centum per annum, payable annually; both principal and interest shall be payable at some bank of Chippewa Falls, Wisconsin, or at some bank in the city of New York, Chicago or Milwaukee, as the county board may determine; they may be made payable to bearer, and no more of said bonds shall be issued than sufficient to fund the indebtedness of said county outstanding at the time of the issue thereof; provided, that no bonds issued under the provisions of this act shall be sold for less than the par value thereof.

To be signed by chairman and countersigned by county clerk.

SECTION 3. Said bonds shall be signed by the chairman of the county board, and countersigned by the county clerk of said county, and sealed with the corporate seal of said county, and shall be in the hands of any bona fide holder of the same, full and complete evidence to establish the indebtedness of said county according to the tenor and effect of said bonds.

May levy tax to pay principal and interest.

SECTION 4. For the purpose of providing for the payment of the principal of and interest on said bonds it shall be the duty of the county board to levy an annual tax on all the taxable property of said county sufficient to pay the principal of and interest on all of said bonds as the same shall become due. In addition thereto there is hereby created a sinking fund to be used for the payment of the principal and interest of the said bonds, which said sinking fund shall consist of all the proceeds or receipts derived by said county from the sale of lands, or timber from lands now held or which may hereafter be held by said county on tax deed. And the county treasurer of said county is hereby directed to set apart and credit to said sinking fund all of said proceeds and receipts herein mentioned, and such fund shall be carefully kept for the purpose for which it is created, and an itemized account thereof entered in the books of the county treasurer, and on the first day of June in each year the whole amount to the credit of said fund shall be applied, first to the payment of the interest due on all the outstanding bonds issued under this act, and second, to the redemption of the bonds as the same shall become due.

County treasurer to be held accountable for proceeds of bonds, etc.

SECTION 5. Whenever the county board shall authorize the issue of any of said bonds, they shall be disposed of by the county treasurer in such manner as the said board shall direct, and the said county treasurer shall be held accountable for the proceeds thereof and for the proper application of the said proceeds to the payment and cancellation of the indebtedness of the said county.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1889.

[No. 73, S.] [Published February 5, 1889.]

CHAPTER 6.

AN ACT to change the name of the Wisconsin female college of Fox Lake, in the county of Dodge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The name of the Wisconsin female college, located at Fox Lake, in the county of Dodge, is hereby changed to Downer college, and the action of the board of trustees of said college at its annual meeting held in July, A.D. 1887, in the direction of such change, is hereby approved, ratified and confirmed.

Name of Wisconsin Female College, Fox Lake changed to Downer College.

SECTION 2. The said college shall hereafter bear the name of Downer college, and it shall be unlawful to change such name without legislative authority.

Name not to be changed without legislative authority.

SECTION 3. This act shall be in force and take effect from and after its passage and publication.

Approved February 5, 1889.

[No. 21, S.] [Published February 8, 1889.]

CHAPTER 7.

AN ACT to appropriate money for the purchase of stationery for the use of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of ten thousand dollars for the purchase of stationery for the use of the state officers and departments for the year 1889 and 1890, and for the legis-

Appropriation for stationery, 1889-1891.

lative session of 1891; said sum being the amount estimated to be necessary for the purpose specified.

Section 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 8, 1889.

[No. 110, A.] [Published February 9, 1889.]

CHAPTER 8.

AN ACT to authorize the city of Waupaca to issue bonds to pay for the donation of grounds and buildings and other property, made to the Wisconsin Veterans' Home by the citizens of Waupaca.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of Waupaca may issue bonds to pay for donation of grounds for Wis. Veteran's Home.

SECTION 1. The common council of the city of Waupaca is hereby authorized and empowered to issue the bonds of said city to the amount of seven thousand and five hundred dollars, bearing annual interest not to exceed five per cent. per annum, for the purpose of paying the persons or association of persons who conveyed the property real and personal, to the Wisconsin Veterans' Home, known as "Greenwood Park," and other property adjacent thereto, for the uses and purposes for which said Wisconsin Veterans' Home was organized and established.

How issued.

SECTION 2. Such bonds shall be numbered consecutively from one upward in the order of their issue, and shall be of such denominations as the common council may direct; shall be signed by the mayor and countersigned by the clerk, and shall have the seal of the city attached. They shall be made payable, principal and interest, at the office of the city treasurer of said city of Waupaca, with exchange on Milwaukee or Chicago. The interest shall be payable annually upon coupons in proper form, attached to such bonds, and the principal shall be made payable in

such time or times as the common council may direct, not exceeding ten years. The said bonds shall be sold under the direction of the common council to the best advantage possible, and the proceeds shall be used only for the purpose of paying the indebtedness incurred in making the donation of the property above mentioned to the "Wisconsin Veterans' Home," and the expense of issuing and selling said bonds; provided, that if any surplus shall be left after the disposition aforesaid, the same shall be placed in the general fund of said city.

When issued.

SECTION 3. No such bonds shall be issued as aforesaid by said city until the proposition for their issue for the purposes aforesaid shall have been submitted to a vote of the qualified electors of said city and adopted by a majority voting thereon. Such election may be held at any time designated by the common council, upon a notice of not less than ten days, printed and published in the newspapers printed in said city. Said election shall be conducted in the same manner and the result thereof, returned and canvassed as the annual city election for the election of city officers. The election shall be by ballot, and the ballots shall be written or printed, "For the proposition" and "Against the proposition" Nothing herein contained shall prevent the said election being held at the same time of the said annual city election, if the common council shall so order and direct; provided, that the notice of election shall notify the electors that said "proposition is to be voted upon"

May levy tax to pay bonds.

SECTION 4. If the issue of said bonds shall be authorized as herein provided, and shall be issued, the common council of said city shall annually levy a tax sufficient to pay the interest on all said bonds as the same becomes payable, and shall also levy such taxes as shall be necessary to pay the principal of said bonds when they shall severally fall due.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 8, 1889.

[No 34, S.] [Published February 14, 1889.

CHAPTER 9.

AN ACT to appropriate to the commissioners of fisheries the sums of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Annual appropriation of $12,000 to commissioners of fisheries.

SECTION 1. There is hereby annually appropriated to the commissioners of fisheries, out of any money in the treasury not otherwise appropriated, the sum of twelve thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 13, 1889.

[No. 271, A.] [Published February 16, 1889.]

CHAPTER 10.

AN ACT authorizing and empowering the city of Racine to construct and maintain a stationary bridge across Root river, in Racine county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing city of Racine to construct and maintain stationary bridge across Root river.

SECTION 1. The city of Racine, and its successors and assigns, is hereby authorized and empowered to construct, build and maintain a stationary bridge across Root river, at or near the section line between sections eight (8) and seventeen (17), township three (3) north, of range twenty-three (23) east, and for such purpose may construct piers and cribs, drive piles, build embankments and approaches in said river, and on the banks thereof, suitable and necessary for the proper construction and maintenance of said

bridge and the enjoyment of the rights hereby granted or intended to be.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1889.

[No. 73, A.] [Published February 16, 1889.]

CHAPTER 11.

AN ACT to authorize the common council of the city of Milwaukee to levy a tax for the purpose of defraying the expenses of the National Encampment of the Grand Army of the Republic.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of Milwaukee authorized to levy tax for defraying expenses of grand army encampment.

SECTION 1. The common council of the city of Milwaukee is hereby authorized and empowered at the time of levying other city taxes for the year 1889, in addition to the amount now authorized to be raised by law, to levy a tax not exceeding one-half mill on the dollar on all taxable property, real and personal, within said city. Said tax shall be extended upon the tax roll in like manner as other taxes levied by the common council, but in a separate column suitably marked to distinguish the same, and shall be collected at the same time and in the same manner as other city taxes for said year are collected, and the proceeds, or so much thereof as may be necessary, shall be used to defray the expense of the National Encampment of the Grand Army of the Republic, to be held in the city of Milwaukee, the summer of 1889. Any part of such proceeds not necessary in the opinion of the common council to be used for the aforesaid purpose shall be retained by the city treasurer and added to the general city fund.

SECTION 2. This act shall take effect and be in force on and after the date of its passage and publication.

Approved February 15, 1889.

[No. 145, S.] [Published February 16, 1889.

CHAPTER 12.

AN ACT to authorize the city of Milwaukee t raise a special tax in the south sewerage distric of said city.

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

City of Milwaukee may levy special tax in south sewerage district.

SECTION 1. The common council of the city o Milwaukee is hereby authorized to levy and rais by taxation upon all taxable property, real an personal, within the south sewerage district o said city, in addition to the amount authorized t be raised for a sewerage fund in said district, an in addition to the amount of money authorized t be raised by taxation for all purposes within sai district now limited by law for each of the year 1889 and 1890, a sum of money not exceeding on and one-half mill on the dollar in each of sai years, upon all of the taxable property within sai district, for the purpose of constructing a mai sewer on and along Becher street, from the wes dock line of the Kinnikinnic river westwar through the twelfth and fourteenth wards of th city, as contemplated by the plans now on file i the offices of the proper officers of said city of Mil waukee, or as the same may be amended in th proper way hereafter, and for the construction o such other main sewers in the south sewerag district of the said city as may be found necessar after the aforesaid sewer shall have been con structed as far westward as Ninth avenue in th fourteenth ward of the city of Milwaukee.

SECTION 2. This act shall take effect and be in force from and after its passage and publication

Approved February 15, 1889.

[No. 29, S.] [Published February 20, 1889.]

CHAPTER 13.

AN ACT to amend the charter of the city of Baraboo.

[See Vol. 2.]

[No. 65, S.] [Published February 23, 1889.]

CHAPTER 14.

AN ACT to provide for the payment of additional employes provided for in joint resolution No. 4, A.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to pay the additional employes provided for in joint resolution No. 4, A. **Providing for payment of additional legislative employes.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1889.

[No. 36, S.] [Published February 23, 1889.]

CHAPTER 15.

AN ACT to appropriate money to pay for the supplement to the revised statutes purchased for the legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise

Appropriation for Sanborn & Berryman's supplement.

appropriated a sum sufficient to pay for the one hundred and fifty copies of Sanborn & Berryman's supplement to the revised statutes, purchased by the superintendent of public property for the use of this legislature, pursuant to joint resolution No. 3, senate; provided, that the cost of said supplements shall not exceed seven hundred and fifty dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1889.

[No. 16, S.] [Published February 25, 1889.]

CHAPTER 16.

AN ACT to amend section 875, of the revised statutes, relating to officers of villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending section 875 R. S.

SECTION 1. Section 875, of the revised statutes, is hereby amended to read as follows: Section 875. At the annual charter election in each village, there shall be chosen the following officers viz.: A president, six trustees, a clerk, a treasurer a supervisor, a marshal and a constable, also two justices of the peace and a police justice, if required to be elected in such year, unless any such office shall have been discontinued as hereinafter provided. All other officers shall be appointed by the village board and at their first meeting, unless they shall otherwise provide, after the annual election; and such officers shall be removable by the village board on a vote of a majority of all the trustees. No person not a resident elector in such village shall be eligible to any office therein

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1889.

[No. 26, S.] [Published February 25, 1889.]

CHAPTER 17.

AN ACT to amend the charter of the city of Hudson.

(See Vol. 2.)

[No. 23, S.] [Published February 25, 1889.]

CHAPTER 18.

AN ACT relating to county officers and amendatory of section 756, of the revised statutes, entitled, "of county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 756, of the revised statutes, entitled, "of county officers," is hereby amended so as to read as follows: Section 756. Every register of deeds shall appoint one or more deputies who shall hold their office during his pleasure. Such appointment shall be in writing, and filed and recorded in his office. Such deputy or deputies shall aid the register in the performance of his duties under his direction, and in case of vacancy or the register's absence or inability to perform the duties of his office, such deputy or deputies shall perform the duties of register during the continuance of such vacancy, absence or inability, and the register shall be responsible on his official bond for the faithful performance by such deputy or deputies of all his duties aforesaid. Amending section 756, R. S.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1889.

[No. 67, A.] [Published February 27, 1889.]

CHAPTER 19.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 128, A.] [Published February 27, 1889.]

CHAPTER 20.

AN ACT relating to the change of venue in the county court of Winnebago county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Change of place of trial Winnebago county court, how made.

SECTION 1. Whenever the place of trial in any civil or criminal action or proceedings in the county court of Winnebago county, Wisconsin, shall be changed on account of the prejudice or other disqualification of the judge thereof, it shall be changed to the circuit court of said Winnebago county, Wisconsin.

SECTION 2. Whenever an order is made so changing the place of trial of any such action or proceedings to said circuit court, such order in itself shall be a change and transfer thereof, and of all the papers, records, and files thereof and therein to said circuit court, without any certificate or further act whatever.

Sec. 2467 not applicable to.

SECTION 3. Section 2467, of the revised statutes of Wisconsin and any acts amendatory thereof, shall not apply to or include the county court of said Winnebago county, but is hereby repealed so far as it includes and applies to said county court, and conflicts with the provisions of this act and no farther

SECTION 4. This act shall take affect and be in force from and after its passage and publication.

Approved February 26, 1889.

[No. 35, A.] [Published February 27, 1889.]

CHAPTER 21.

AN ACT to amend chapter 350, of the laws of 1887, entitled, "an act to amend chapter 5, of the revised statutes of Wisconsin for the year A. D. 1878," entitled, 'of electors and general elections.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 350. laws 1887. Sections 45a, b, c, R. S. manner of conducting elections in cities of 50,000, census of 1880.

SECTION 1. Chapter 350, of the laws of 1887, is hereby amended so as to read as follows: Section 1. Chapter 5, of the revised statutes of Wisconsin, 1878, entitled, "of electors and general elections," is hereby amended by adding after section 45, of said chapter 5, the following: Section 45a. Every city in this state having a population of fifty thousand inhabitants or more, according to the last general United States census, shall provide in every ward of such city voting precincts composed of compact and contiguous territory, and so arranged that no such precinct shall contain more than five hundred voters or fraction of one hundred in excess thereof, according to the vote cast at the last presidential election, and if, after any election to be held thereafter, it shall appear that more than six hundred votes were cast at any such voting precinct, it shall be the duty of the common council of any such city within three months after such election, to redivide the ward in which such voting precinct may be located, in the manner hereinbefore provided for dividing wards into voting precincts, and if such common council shall fail to make such redivision within said time, any voter of such city may apply to the circuit court of the county in which such city is located for an order, ordering and commanding the aldermen constituting such common council to redivide such ward according to the provisions of this act within a reasonable time, such time to be specified in such order, and if such aldermen shall refuse, fail or neglect to comply with the provisions of such order, they shall be adjudged

guilty of contempt as in other cases of disobedience to lawful orders, and punished as provided in chapter 150, of the revised statutes of Wisconsin. Every such city shall provide each voting precinct with two rooms adjoining each other, of suitable dimensions, one of which shall be known as the inspector's and voting room, and be used exclusively as such during the progress of any election in said city. The other room shall be known as the ticket room, and to be used as such in the manner hereinafter provided, during the progress of any election in said city. All windows shall be so screened as to prevent any person outside from looking into the interior of any such ticket room. Every such voting room shall be provided with a swinging window, which may be used by the challengers hereinafter provided for in challenging persons offering to vote, and shall also be provided with a hall or passage way of suitable dimensions, into which voters may enter through a door from the ticket room to cast their votes; such hall or passage way may be provided with such barriers or railings as may be deemed necessary to protect the inspectors from annoyance and the voter from molestation while he is voting. In the ticket room shall be kept a suitable table or tables, having compartments conveniently arranged, so that the voter after entering the ticket room may be enabled conveniently to select his ballot. Upon such table shall be deposited and kept tickets which may be prepared for the use of voters by any political party. The tickets shall be arranged by the inspectors upon such table or tables, each class or kind being placed and kept in a separate compartment or upon a separate table, and over each class or kind of tickets, in a conspicuous place, shall be posted in three languages, English, German and Polish, the name or title by which the tickets are respectively classified or generally known. Section 45b. Any chairman of a ward committee, or other person authorized by the ward committee of each political party to be represented by tickets for that precinct, may deliver to the inspectors of election for such precinct such tickets as he may wish to have kept in said ticket room for the use of voters, and said tickets shall, as soon as delivered to the inspectors, be by them deposited and arranged upon a table

Amending sec. 45b, R. S.

or tables in the proper compartment as hereinbefore provided. Each voter when in said ticket room shall be at liberty to select from the ballots kept there such as he may wish, taking one of each kind if he pleases The names of two persons to act as challengers may be presented to the inspectors of election by the chairman, or other person authorized by each of the ward committees hereinbefore mentioned, of the ward wherein the precinct is located. One of the persons so named by the committee of each political party as challengers, shall be allowed to remain and act as challenger for the party represented by him, outside the voting room, near the swinging window, in such convenient place to be designated by the inspectors, as will allow such challenger opportunity to see and challenge voters when they offer their votes. The inspectors of election shall give no undue advantage to any one of the challengers over another. Any one of the challengers, while acting as such, may call his colleague of the same party, who shall be permitted to act in his place during his absence. The chief of police, or other police officer in command of the police force of any such city, shall, on the day prior to any election to which this act shall be applicable, designate a sufficient number of the regular members of his police force, by appointment in writing, to perform the duties hereinafter stated in and about the ticket room, appointing one for each precinct. The inspectors of election shall have charge and control of the ticket rooms in their respective precincts. The police officer selected to perform duty in and about the ticket room, shall be the only person permitted to be or remain in the ticket room other than those as hereinafter prescribed; and he shall take his position as far as practicable, in or near the entrance to the ticket room; he shall keep order amongst the men waiting to enter the ticket room and shall watch the tickets in said room; he shall not directly or indirectly solicit, request, or attempt to influence any voter to vote for any candidate for election while in the discharge of his duties as prescribed in this act. If requested by any voter to alter any ticket, he may make such alterations as the voter requests, and none other. Before any police officer so designated

shall perform any such duties he shall take and subscribe an oath in writing, substantially in the following form, to be administered by one of the inspectors upon his delivering to such inspector his written appointment, to-wit:

State of Wisconsin, }
—— County. } ss.

I, —— ——, being duly sworn on my oath do depose and say, that I will support the constitution of the United States and the constitution and laws of the state of Wisconsin, and that I will faithfully and honestly discharge my duties as a police officer appointed for duty at the ticket room of —— precinct No. ——, in the —— ward of the city of ——, at this election, so help me God.

—— ——.

Subscribed and sworn to before me, this —— day of ——, 18—.

—— ——.

Inspector of election, precinct No. ——, in the —— ward of the city of ——.

All such written appointments and all oaths so taken shall within two days after the close of any election be delivered by the inspectors of election to the clerk of the city where taken, and by him filed and preserved in his office. Every person taking such oath and violating any of its provisions shall be deemed guilty of perjury, and upon conviction thereof shall be punished as prescribed by law for the punishment of perjury, and shall be discharged from the police force. If at any time during the election any such policeman shall, on account of sickness or other cause, be necessarily absent from his post, he shall before leaving, call upon some policeman, regular or special, who may be near the polling place to keep order, to assume his duties; before such substitute shall perform the duties of such office, he shall take and subscribe the oath, required to be taken by police officers designated in writing for such duty by the chief of police, and such police officer shall be subject to the same penalties for violating its provisions, as is prescribed for the violation thereof by the police officer appointed by the chief of police. The police officer appointed by the chief of police, however, shall not be absent from his post more than thirty minutes, except in case of sickness.

Only one voter shall be allowed in the voting room at the same time. All voters shall be admitted singly through a door leading from the exterior of the building into the ticket room, where he shall, without delay, procure his ticket, if in want of one, and pass into the voting room, where he shall, if qualified, be permitted to vote; and from there he shall immediately after voting, or being informed by the inspectors that he is not qualified to vote, pass out of the voting room through a door to be provided for that purpose; but shall not in any case be permitted to pass out through the ticket room. The door last mentioned shall have a gong or bell in such a manner, that such gong or bell will sound by opening said door, so that the policeman at or near the entrance to the ticket room and the voters in the ticket room may know that a voter has left the voting room. As soon as a voter passes into the voting room, another shall immediately be admitted into the ticket room. Candidates may have their tickets deposited with the inspectors of election at the time of voting, for the use of voters, to be kept in the immediate view and control of the policeman in or about the ticket room, who shall protect such tickets from being destroyed or mutilated. Over the swinging window, in this act prescribed for use by the challengers, shall be constructed a roof with side boards reaching from the roof to the ground on both sides; the space so protected from the weather shall be large enough for at least three challengers to stand in. Section 45c. No crowd or crowds of persons shall be permitted to collect or remain within one hundred feet of the voting room or ticket room during the holding of any election in any such city. Any person who shall solicit votes for any candidate or party, or offer tickets to any person, at any place within one hundred feet of the voting room, or ticket room, or who shall wilfully counterfeit, alter, deface, destroy or mutilate, or who shall wilfully carry away with intent to secrete or destroy any of the tickets of any political party, or of any candidate, during the day of election; and any person who shall solicit, request or in any manner attempt to influence or prevail upon another to vote for any candidate for office, or to vote any

Amending sec. 45c, R. S.

ballot or ticket, or who shall solicit, request or attempt to influence another to scratch, change or alter any ballot or ticket while within the ticket room or voting room; and any person who shall solicit, request or receive from any person nominated, or who is a candidate for election to any public office, any money, property or anything of value, as consideration for any influence, work or labor performed, or to be performed, or services rendered or to be rendered, directly or indirectly by the person so soliciting, requesting or receiving, from any such nominee or candidate after his nomination, in or about any election, shall, in every such case, be deemed guilty of a misdemeanor, and upon conviction thereof shall (be) punished by a fine of not less than fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail or house of correction, of the proper county, not more than six months, or by both fine and imprisonment, in the discretion of the court, together with the costs of prosecution.

Provisions hereof to apply to all elections except special.

SECTION 2. The provisions of this act shall apply to all general elections, elections of judicial officers, and to all city elections, except special held in any such city after this act takes effect and it shall be the duty of the mayor and chief of police, or other peace officers or authorities of every such city, to provide the necessary police force to fully enforce the provisions of this act in every election which shall be held after this act takes effect.

SECTION 3. All acts and parts of acts which conflict with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1889.

[No. 497, A.] [Published February 28, 1889.]

CHAPTER 22.

AN ACT to submit to the people an amendment to the constitution.

Submitting amendment to sec. 4, art. 7, constitution, relating to supreme court.

WHEREAS, The legislature of this state at the biennial session for the year 1887, proposed and adopted by a vote of a majority of the members elected to each of the two houses, an amendment to the constitution of this state, the same being in fact an amendment to section 4, of article 7, thereof, as amended in 1877, the proposed amendment being in the following language:

Resolved by the assembly, the senate concurring, that the following be adopted as an amendment to the constitution of the state of Wisconsin:

SECTION 1. The chief justice and associate justices of the supreme court shall be severally known as justices of said court with the same terms of office, respectively as now provided. The supreme court shall consist of five justices (any three of whom shall be a quorum), to be elected as now provided. The justice having been longest a continuous member of the court (or in case two or more of such senior justices having served for the same length of time, then the one whose commission first expires), shall be ex-officio the chief justice; and

WHEREAS, The foregoing proposed amendment to the constitution was duly ratified and agreed to by the legislature of this state for the year 1889; therefore

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To be submitted at judicial election second Tuesday in April, 1889.

SECTION. 1. The proposed amendment to the constitution of this state shall be submitted to the people at an election to be held Tuesday, the second day of April, 1889, and if the people shall approve and ratify said amendment by a majority of the electors voting thereon, such amendment shall become a part of the constitution of this state.

Form of ballot.

SECTION 2. The form of ballot in voting to ap prove and ratify said proposed amendment sha be: "For amendment to the constitution;" i against the same, "against the amendment t the constitution," which shall be written c printed on the judicial ballot used at such ele tion and deposited in the same box. All person qualified to vote at any election in this state sha be deemed voters on this question.

How canvassed and returned.

SECTION 3. The votes cast approving and rat fying or disapproving such amendment shall b counted and returned by the inspectors of th election in all respects as votes for an associat justice of the supreme court are counted and re turned, and the officers now designated by la to canvass the returns of votes for associate justic of the supreme court, shall canvass the return on this question at the same time and place an under the same regulations and restrictions, no provided by law for canvassing and declaring th returns of elections for justices of the suprem court.

Canvassers to certify result to governor,

SECTION 4. Within three days after the dete mination of such canvass it shall be the duty c the canvassers to certify the result of such ca vass to the governor, who shall thereupon wit out delay make proclamation of the result.

Secretary of state to give notice of election.

SECTION 5. The secretary of state is hereby re quired to give twenty days' notice of the electio herein authorized, and to include the substance c this act therein.

SECTION 6. This act shall take effect and be i force from and after its passage and publicatio

Approved February 27, 1889.

[No. 20, S.] [Published March 4, 1889.]

CHAPTER 23.

AN ACT to build and maintain a dam on Pigeon river, Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

John Nohr, et al., authorized to build a dam on Pigeon river Waupaca county.

SECTION 1. John Nohr, Sr., Albert Nohr, William Nohr and their assigns are hereby authorized to construct, maintain and keep a dam across the south branch of Pigeon river, on the southeast quarter of the southeast quarter of section number fifteen, in township number twenty-five, north of range number thirteen east, in the county of Waupaca, said dam to be constructed and maintained for manufacturing purposes; provided, that said dam shall not interfere with the rights of any person heretofore acquired; provided, further, that the right to maintain said dam if now erected, or to erect and maintain the same, is upon the express condition that the parties hereinbefore named, their heirs and assigns, now own or shall acquire by purchase or lease, the land upon which said dam is or is to be erected and maintained. The aforesaid persons shall build suitable slides in said dam for running logs and timber over the same, and shall keep the same in repair, and shall charge no tolls upon logs and timber running over the same, and the legislature reserves the right to alter, amend or repeal this act at any future session thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1889.

[No. 52, A.] [Published March 4, 1889.]

CHAPTER 24.

AN ACT in relation to the superior court of the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Superior court Milwaukee county, resignation of judge, governor may fill vacancy.

SECTION 1. The resignation of the judge of the superior court of the county of Milwaukee may be made to the governor of the state. Whenever a vacancy shall occur in the office of such judge from any cause, or there shall be no person qualified to take the office at the commencement of the term of office, the governor shall appoint a judge of said superior court, and the person so appointed shall hold for the residue or for the whole of the term.

When circuit judge may hold court.

SECTION 2. Any circuit judge, or any judge of a county court having civil jurisdiction, may hold court as the judge of said superior court, in case of the absence, sickness or other disability, or upon the request of the judge thereof, and while so doing, he shall have the same powers as if elected the judge of said court.

Terms of court.

SECTION 3. The terms of the said superior court shall be held on the first Monday of February, the first Monday of April, the first Monday of June, the first Monday of October, and the first Monday of December in each year. A jury shall be summoned for the first day of each of said terms, unless otherwise ordered by the said court.

Causes once noticed and placed on calendar do not require notice at subsequent term.

SECTION 4 After an action or proceeding commenced or pending in said court shall be hereafter once noticed and placed on the calendar for trial, it shall not be necessary for either party to notice the same for trial at any subsequent term; but the clerk of such court shall place the same on the calendar according to the nature and date of the issue or issues then or thereafter formed therein, until it shall have been tried or otherwise finally disposed of. Any trial, hearing, argument or assessment which shall have been commenced during any term, but shall not have been con-

cluded before the commencement of the next term, shall be continued and proceeded with at said next term, in the same manner and with like effect as though it had been commenced at that term.

SECTION 5. All provisions of law in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication; provided, the February and March terms, 1889, of said court shall be held as now provided by law, until the first Monday of April, 1889.

Approved February 27, 1889.

[No. 172, A.] [Published March 4, 1889.]

CHAPTER 25.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 7, S.] [Published March 2, 1889.]

CHAPTER 26.

AN ACT to incorporate the city of Fountain City.

(See Vol. 2.)

[No. 85, S.] [Published March 2, 1889.]

CHAPTER 27.

AN ACT to revise, consolidate and amend the charter of the city of Ashland.

(See Vol. 2.)

[No. 104, A.] [Published February 28, 1889.]

CHAPTER 28.

AN ACT to incorporate the city of Mondovi.

(See Vol. 2.)

[No. 184, A.] [Published March 6, 1889.]

CHAPTER 29.

AN ACT to amend the charter of the city of Mauston.

(See Vol. 2.)

[No. 79, A.] [Published March 4, 1889.]

CHAPTER 30.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 683, A.] [Published March 5, 1889.]

CHAPTER 31.

AN ACT to amend the charter of the city of Merrill.

(See Vol. 2.)

[No. 44, A.] [Published March 4, 1889.]

CHAPTER 32.

AN ACT to amend chapter 152, of the private and local laws of 1853, entitled, "an act to authorize Luther Hanchett to build and maintain a dam across the Wisconsin river."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 152 P. & L. laws 1853, authorizing assigns of Luther Hanchett to build and maintain dam across Wisconsin river.

SECTION 1. Section 1, of chapter 152, of the private and local laws of 1853, entitled, "an act to authorize Luther Hanchett to build and maintain a dam across the Wisconsin river," is hereby amended so as to read as follows: Section 1. John Edwards and Walter A. Scott, the assignees and owners of the rights and franchises granted to Luther Hanchett by virtue of said act, and owners of the dam built thereunder, their associates and assigns, are hereby authorized to build and maintain a dam across the Wisconsin river, running across said river from fractional lot number eight to fractional lots numbers nine and four of section thirty-six, in township twenty-two north, of range five east, not exceeding twelve feet in height, and to use the water of said river for propelling any kind of machinery they now have or may hereafter see fit to erect, and to sell or lease the right to use said water and water power created by said dam, to any person or persons whomsoever; provided, said dam shall be so constructed as not to obstruct the running of lumber, logs or timber down said river; and provided, further, that a slide shall be constructed in said dam at least two feet below the general height thereof and at least forty feet in width, and in the manner provided by law.

SECTION 2. The right to repeal or amend this act is hereby reserved.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1889.

[No. 62, A.] [Published March 2, 1889.]

CHAPTER 33.

AN ACT to authorize the city of Milwaukee to issue bonds for the erection of a city hall and the purchase of a site therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing city of Milwaukee to issue bonds for erection of city hall.

SECTION 1. The common council of the city of Milwaukee is hereby authorized to provide by ordinance for the issue of corporate bonds of said city not exceeding in amount two hundred thousand dollars, payable in not more than twenty years after date of said issue. Said bonds shall bear interest not exceeding the rate of five per cent. per annum, and shall be known as and called city hall bonds, and shall be issued to provide funds for the purchase of a suitable site for the erection thereon of a building suitable for the accommodation of all the city departments.

How issued.

SECTION 2. All bonds issued under the provisions of this act shall be signed by the mayor and clerk of said city, countersigned by the comptroller of said city, attested by the commissioners of public debt of said city, sealed with the corporate seal of said city, made payable in lawful money of the United States of America in the city of Milwaukee or New York, and shall each be for the principal sum of one thousand dollars, or five hundred dollars or one hundred dollars, and shall have attached thereto interest coupons or warrants for the semi-annual payment of interest thereon, and such bonds and coupons shall be numbered in the form and manner to be designated by said comptroller.

When issued.

SECTION 3. Bonds issued under the provisions of this act shall be issued from time to time, in such amount as the common council of said city may determine upon; said bonds when issued and properly signed and sealed, shall be delivered to the commissioners of public debt of said city, and by that body disposed of, the proceeds arising therefrom to be paid into the treasury of said city, and such proceeds shall constitute a separate and

distinct fund, to be exclusively applied for the purposes specified in the first section of this act.

SECTION 4. The office of commissioners of public debt of said city shall not be abolished while any of the bonds issued under the provisions of this act remain outstanding and unpaid.

Office of commissioners of public debt not to be abolished.

SECTION 5. The provisions of sections 2, 6, 7, 8, 9, 10, 11 and 17, chapter 87, of the laws of 1861, applicable and not inconsistent with the provisions of this act, shall apply to bonds issued under the provisions of this act, and such sections, if not inconsistent, are incorporated as a part of this act. The true intent and meaning of this act is to provide for the present issue of bonds in the same manner as bonds issued under the provisions of that act are provided for.

Certain provisions of chapter 87, laws of 1861 to apply.

SECTION 6. The common council of said city shall annually cause a tax to be levied upon all taxable property in said city, both personal and real, for the payment of the annual interest on all unpaid bonds issued under the provisions of this act, and for twenty years before the principal of said bonds becomes due, the said common council shall annually cause a tax to be levied upon all taxable property in said city, both personal and real, equal in amount to five per cent. of all bonds issued under the provisions of this act, for a sinking fund to redeem such bonds as the said commissioners of public debt direct to be cancelled.

Council to cause annual tax levy to pay interest, etc.

Sinking fund to be provided.

SECTION 7. As soon as a sinking fund shall have been collected and set aside, the said commissioners of public debt shall proceed to cancel bonds in amount equal to the sinking fund so provided.

Bonds to be cancelled.

SECTION 8. All bonds directed to be paid by said commissioners of public debt shall be, when paid, stamped, "cancelled," and when so stamped shall be delivered to the common council of said city, and by that body publicly declared cancelled.

How cancelled.

SECTION 9. The commissioners of public debt of said city are hereby prohibited from selling or otherwise disposing of any such bonds at a less valuation than par, that is to say, at less than the principal of said bonds, together with the accrued interest thereon.

Not to be disposed of for less than par.

SECTION 10. This act shall take effect and be in force from and after the date of its passage and publication.

Approved February 28, 1889.

[No. 55, A.] [Published March 4, 1889.]

CHAPTER 34.

AN ACT to amend the articles of association, organizing the Chicago, Milwaukee and St. Paul railway company, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending articles of C., M. & St. P. Ry. Co. relating to annual meeting of stockholders.

SECTION 1. Paragraph numbered 12, of said original articles of association, is hereby amended so as to read as follows: The annual meeting of the stockholders for the choice of directors and other purposes, for the year 1889, shall be held at the office of the company in the city of Milwaukee and state of Wisconsin, in the month of June, at which thirteen directors shall be elected to hold office until the next annual meeting of the company, which shall be held at the same place in September, 1890; and thereafter the annual meetings of the stockholders of the company shall be held in the month of September of each year. Said meetings shall be called by the board of directors of said company, who shall specify the time for holding the same, and give thirty days' notice thereof in at least one newspaper published in each of the cities of New York and Milwaukee.

Fiscal year, when to end, annual report to be submitted.

SECTION 2. The fiscal year of the company shall end on the 30th day of June of each year, and the annual report of the company to the stockholders shall be submitted at their annual meeting in September, and at least ten days prior thereto a printed copy of said report shall be sent by mail to each stockholder to the address as shown by the company's books, and such report for the year 1888, shall include the business of the company up to the 30th day of June, 1889.

Amending paragraph 6, relating to issuing bonds, etc.

SECTION 3. Paragraph numbered 6, of said original articles of association, as amended, is hereby amended so as to read as follows: For the purpose of retiring and refunding the present indebtedness of the company, and for providing funds for the extension of its railway, for second track

purposes, for additional equipment, real estate, and such other additions and improvements as may be ordered by the board of directors, the company is authorized to make and issue bonds in such sums and amounts, and at such time or times, as the board of directors may determine. Said bonds shall be in the usual form of railroad bonds bearing interest payable annually, semi-annually or quarterly, and the principal payable at such time or times as the board may direct. And to secure the payment of such bonds the company may make and execute a mortgage or mortgages on any or all of its franchises, railway property, real and personal, and all its estate of every name, kind and description; and may provide therein that such mortgage or mortgages shall cover and include any and all after acquired railways and property of said company.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1889.

[No. 348, A.] [Published March 2, 1889.]

CHAPTER 35.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 596, A.] [Published March 4, 1889.]

CHAPTER 36.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 38, A.] [Published March 4, 1889.]

CHAPTER 37.

AN ACT authorizing the city of La Crosse, its successors or assigns, to construct, operate and maintain a bridge across the Mississippi river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing city of La Crosse to construct, operate and maintain bridge across Mississippi river.

SECTION 1. The city of La Crosse, of this state, and its successors or assigns, is hereby authorized and empowered to construct, operate and maintain a bridge across the Mississippi river, for the passage of vehicles of all kinds, animals, and foot passengers, from some point within the corporate limits of said city across the Mississippi river, to some point in the county of Houston, in the state of Minnesota, opposite the said city of La Crosse, with all necessary approaches thereto and protection thereof.

May collect tolls.

SECTION 2. The said city of La Crosse, its successors or assigns shall have the right to charge and collect a reasonable rate of toll, not exceeding the amount limited by the laws of Wisconsin or Minnesota.

May make regulations for management of bridge.

SECTION 3. The city of La Crosse, its successors or assigns, is hereby authorized to provide regulations for the general management of said bridge.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1889.

[No. 28, A.] [Published March 4, 1889.]

CHAPTER 38.

AN ACT to amend section 1940, of the revised statutes, as amended by chapter 211, laws of 1880, chapter 260, laws of 1881, and chapter 421, laws of 1885, relating to town insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 1940, R. S. relating to town insurance companies.

SECTION 1. Section 4, of chapter 421, of the laws of 1885, is hereby amended by inserting the word, "five" after the word, "twenty," where it occurs in the twelfth line of said section, so that said section so amended shall read as follows: Section 4 Section 1940, of the revised statutes, as amended by chapter 211, 1880, and chapter 260, 1881, is hereby amended so as to read as follows: Section 1940. Any such corporation and any town insurance corporation heretofore organized and now existing under any law of this state, relating to town insurance corporations, may attach any adjoining town or towns as part of its territory and in which it may hereafter do business; provided, the town or towns so attached together with those already within its jurisdiction, shall not exceed twenty-five towns; except in cases where all towns embraced by the corporation shall be within the same county. No town or towns shall be so attached, except by a resolution adopted by the vote of two-thirds of all the shares of stock present and voting thereon at some annual meeting thereof or at some special meeting called for said purpose, of which at least ten days' notice shall be given by advertising in some newspaper published in that county, and by posting said notice in at least three of the most public places in said town or towns where such insurance companies are doing business, and by filing a copy of such resolution, duly certified by the secretary, in the office of the county clerk of the county in which its office is located; provided, nothing in this act contained shall affect companies.

already doing business outside of the county in which such company is organized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1889.

[No. 5, A.] [Published March 5, 1889.]

CHAPTER 39.

AN ACT relating to the county bridge fund of Chippewa county, as created by chapter 382, of the laws of Wisconsin for the year 1885.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to county bridge fund, Chippewa county—how applied.

SECTION 1. One-half of the fund created by chapter 382, of the laws of Wisconsin for the year 1885, entitled, "An act relating to certain lands granted to the county of Chippewa for railroad purposes," is hereby set aside for the purpose of maintaining, keeping in repair and reconstructing the bridge across the Chippewa river at Chippewa Falls, in said Chippewa county. And the county treasurer is hereby directed to pay to the treasurer of the city of Chippewa Falls one-half of the said fund so created and one-half of the accumulated income thereof. The moneys so paid shall be used and applied by the common council of said city of Chippewa Falls for the purpose of maintaining, keeping in repair and rebuilding the said bridge by the said city of Chippewa Falls in the manner directed in said chapter 382, of the laws of Wisconsin for the year 1885, and for no other purpose.

County treasurer to sell lands, proceeds how applied.

SECTION 2. The county treasurer of Chippewa county may advertise and sell in the manner therein provided, any lands authorized to be sold by chapter 382, of the laws of Wisconsin for the year 1885, and remaining unsold; and one-half of the proceeds of such sale, or sales, shall be paid to the city treasurer of the city of Chippewa Falls, to be used as provided by section 1, of this act,

and the other half thereof shall be credited to the county bridge fund as created by said chapter 382, of the laws of 1885.

Legalizing acts of county board, relating to transfer of bridge to city of Chippewa Falls.

SECTION 3. The acts and proceedings of the county board of Chippewa county in transferring to the city of Chippewa Falls the said bridge across the Chippewa river at Chippewa Falls, and the agreement of the said county board to transfer and pay over to the said city of Chippewa Falls one-half of the county bridge fund created by chapter 382, of the laws of Wisconsin for the year 1885, to enable the said city of Chippewa Falls to maintain the said bridge, be and the same are hereby declared legal, and the same are in all respects ratified and confirmed; and the said bridge is hereby declared to be the property of the said city of Chippewa Falls, and the said city shall be liable for the maintenance thereof, and the county of Chippewa is hereby relieved from any responsibility or liability for maintaining the same or for the use thereof.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1889.

[No. 116, A.] [Published March 4, 1889.]

CHAPTER 40.

AN ACT to repeal the charters granted by chapter 452, of the private and local laws of the year 1869, entitled, "An act to incorporate the Nimakagon & Totogatic Dam company," approved March 11, 1869, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealing chapter 452, P. & L. laws 1869, incorporating Nemokagon & Totogatic Dam Company.

SECTION 1. Chapter 452, of the private and local laws of the state of Wisconsin, entitled, "an act to incorporate the Nimakagon and Totogatic Dam company," approved March 11, 1869, and all acts amendatory thereof, are hereby repealed;

Proviso.

provided, that nothing in this act contained shall be construed in any manner to impair or affect the right of any corporation or company organized or existing under any of said acts from closing up the business of such company or corporation, as provided by section 1764, of the revised statutes of the state of Wisconsin for the year 1878. And the provisions of said section are hereby declared to be applicable to each of said corporations or companies whose charters are by this act repealed for the purpose of closing up the business of each thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1889.

[No. 42, A.] [Published March 5, 1889.]

CHAPTER 41.

AN ACT to authorize Thomas E. Nash to construct and maintain a toll bridge across the Wisconsin river from any point on sections three, ten and fifteen, on the west side of said river, to any point opposite thereto, on sections two, eleven and fourteen, on the east side of said river, in township twenty-one, range five east, in Wood county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing Thomas E. Nash to construct and maintain a toll bridge across Wisconsin river in Wood county.

SECTION 1. Thomas E. Nash, his associates, heirs and assigns, are hereby authorized and empowered to build and maintain a toll bridge across the Wisconsin river from any point on sections three, ten or fifteen, on the west side of said river, to any point opposite thereto, on sections two, eleven or fourteen on the east side of said river in township twenty-one north, range five east. Such bridge shall not be less than eighteen feet wide, and provided with strong railings on the sides, and shall be so located and of sufficient height as not to obstruct the free passage of rafts, logs and timber passing down said river.

SECTION 2. The said Thomas E. Nash, his asso-

ciates, heirs and assigns, shall have the power and legal right, immediately after the completion of said bridge, to demand, receive and collect tolls for passage over said bridge at rates not exceeding the following: For any vehicle drawn by two horses, mules, or oxen, twenty-five cents; for any vehicle drawn by one horse or mule, fifteen cents; for horses or cattle in droves of ten or less, five cents each, when the same are in droves of more than ten, three cents each; sheep or swine in droves of ten or less, three cents each; if in droves of more than ten, two cents each, and for each footman five cents each way.

May collect tolls.

SECTION 3. Said Thomas E. Nash, his associates, heirs and assigns shall keep posted upon a conspicuous place on said bridge the rates of toll established by him or them not exceeding the rate allowed by this act.

To post notice of rates of toll on bridge.

SECTION 4. Any person who shall forcibly or fraudulently pass over the bridge authorized by this act without paying the legal toll, shall be guilty of trespass and shall for each offense forfeit the sum of five dollars to and for the legal owners of said bridge, to be recovered with costs as in other actions of trespass, in any court having competent jurisdiction.

Penalty for trespassing.

SECTION 5. Any person or persons carelessly or maliciously injuring said bridge shall be liable to the owners thereof in double the amount of the injury done and all damages sustained may be collected before any court having competent jurisdiction thereof.

Same for injury to bridge.

SECTION 6. It shall be lawful for said Thomas E. Nash, his associates, heirs and assigns to so build and construct said bridge that the same may be used for a railway and wagon track combined, and for that purpose to enter into an agreement with any railway company organized or doing business in this state for the use of such bridge upon such terms as may be agreed upon.

Bridge may be used for railway and wagon track.

SECTION 7. So long as said toll bridge is kept up and maintained under the provisions of this act, no other toll or free bridge shall be authorized to be built across said river within two miles on either side thereof.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1889.

[No. 62, A.] [Published March 2, 1889.]

CHAPTER 33.

AN ACT to authorize the city of Milwaukee to issue bonds for the erection of a city hall and the purchase of a site therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing city of Milwaukee to issue bonds for erection of city hall.

SECTION 1. The common council of the city of Milwaukee is hereby authorized to provide by ordinance for the issue of corporate bonds of said city not exceeding in amount two hundred thousand dollars, payable in not more than twenty years after date of said issue. Said bonds shall bear interest not exceeding the rate of five per cent. per annum, and shall be known as and called city hall bonds, and shall be issued to provide funds for the purchase of a suitable site for the erection thereon of a building suitable for the accommodation of all the city departments.

How issued.

SECTION 2. All bonds issued under the provisions of this act shall be signed by the mayor and clerk of said city, countersigned by the comptroller of said city, attested by the commissioners of public debt of said city, sealed with the corporate seal of said city, made payable in lawful money of the United States of America in the city of Milwaukee or New York, and shall each be for the principal sum of one thousand dollars, or five hundred dollars or one hundred dollars, and shall have attached thereto interest coupons or warrants for the semi-annual payment of interest thereon, and such bonds and coupons shall be numbered in the form and manner to be designated by said comptroller.

When issued.

SECTION 3. Bonds issued under the provisions of this act shall be issued from time to time, in such amount as the common council of said city may determine upon; said bonds when issued and properly signed and sealed, shall be delivered to the commissioners of public debt of said city, and by that body disposed of, the proceeds arising therefrom to be paid into the treasury of said city, and such proceeds shall constitute a separate and

[No. 193, A.] [Published March 4, 1889.]

CHAPTER 44.

AN ACT to authorize Charles Krueger and August Krueger to erect, maintain and keep in repair a dam in Red river on section eight, township twenty-seven, and range fifteen east.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing Charles Krueger et al. to build dam on Red river.

SECTION 1. Charles Krueger and August Krueger, their heirs, associates and assigns, are hereby authorized and empowered to erect, maintain and keep in repair a dam across the Red river, in Shawano county, on any part of the southeast quarter of the southwest quarter, and the southwest quarter of the southeast quarter of section eight, of township twenty-seven, and of range fifteen east; and to erect and maintain mills, machinery and necessary appendages to enable them to use the water of said river for hydraulic and boomage purposes; provided, that said dam shall not raise the water to exceed twelve feet.

Slides, etc., to be built, no toll to be collected.

SECTION 2. The aforesaid persons, their associates and assigns, shall build slides in said dam for running logs and timber over the same, and shall be kept in repair. The same shall be kept open at all times when said river is at a driving stage, and there are logs and timber to run over said dam. The aforesaid persons, their associates and assigns, may erect and maintain booms for the sorting of logs passing into the mill pond, hereby authorized to be created; provided, further, that such booms shall be so constructed as to allow the free passage of logs and timber down said river, and no charge for toll shall be collected or received by the parties aforesaid, their associates or assigns.

Control of dam.

SECTION 3. The control of said dam shall belong to Charles Krueger and August Krueger, their associates and assigns, but subject always to section 2, of this act.

To conform to conditions of chapters 70 and 146 R. S.

SECTION 4. The said Charles Krueger and August Krueger, their associates and assigns, shall conform to the conditions and provisions of chapters 70 and 146, of the revised statutes, and the

legislature may at any time alter, modify, amend or repeal this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1889.

[No. 194, A.] [Published March 4, 1889.]

CHAPTER 45.

AN ACT to authorize the erection of a dam across Red river in Shawano county, Wisconsin, and to grant certain powers and privileges to persons therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Aug. L. Schmidt authorized to build dam arross Red river, Shawano county.

SECTION 1. Aug. G. Schmidt, his heirs and assigns, are hereby authorized and empowered to erect, keep and maintain a dam, not exceeding fourteen feet in height, across the Red river, in Shawano county, Wisconsin, at a point in said river where is now located the rolling dam, being on the northwest quarter of the northeast quarter of section three, township twenty-seven, range fourteen east. Said dam to be erected and constructed for manufacturing and boomage purposes; provided, that said dam shall be provided and furnished with suitable slides or chute, so as to allow the free and unobstructed passage of saw logs and timber, as well below the dam as through the same; and provided further, that no charge for toll upon logs passing through said dam or said boom shall ever be collected or received by said party aforesaid, his associates or assigns.

Control of dam.

SECTION 2. The control of said dam and slides shall belong to Aug. G. Schmidt, his associates, heirs and assigns, but subject to the provisions herein stated.

Subject to provisions of ch. 146 R. S.

SECTION 3. The dam so erected shall be subject to all the provisions of chapter 146, of the revised statutes of 1878, and the acts amendatory thereof,

so far as said chapter and acts amendatory may be applied in like manner, or if such provisions were incorporated in this act; provided, however that the aforesaid person, his associates, heirs and assigns, for the purpose of ascertaining the compensation to be made for overflowing or otherwise injuring the lands of others, may within one year from and after the construction of said dam and the placing of gates therein, proceed accordingly to the provisions of chapter 318, of the laws of 1882, and the acts amendatory thereof, and the commencement of such proceedings shall, during the pendency thereof, and after an award thereunder be a bar to any action commenced by the owner or owners of such overflowed or injured lands, or any part thereof or any interest therein, and for said purpose the said chapter 318, and acts amendatory thereof, are hereby made applicable as fully as if the provisions thereof were incorporated in this act.

SECTION 4. The legislature hereby reserves the right to alter, amend or repeal the franchises granted in this act, whenever in the judgment of the legislature it is necessary or proper to do so. Rights reserved.

SECTION 5. This act to take effect and be in force from and after its passage and publication.

Approved March 2, 1889.

[No. 177, A.] [Published March 7, 1889.]

CHAPTER 46.

AN ACT to amend the charter of the city of Kaukauna.

(See Vol. 2.)

[No. 122, A.] [Published March 5, 1889.]

CHAPTER 47.

AN ACT to amend the charter of the city of Rice Lake.

(See Vol. 2.)

[No. 97, S.] [Published March 5, 1889.]

CHAPTER 48.

AN ACT to amend the charter of the city of Alma.

(See Vol. 2.)

[No. 117, A.] [Published March 5, 1889.]

CHAPTER 49.

AN ACT to authorize William Chalmers to purchase or build and maintain certain dams and other improvements upon Yellow river, in the counties of Burnett and Washburn, in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing William Chalmers to purchase or build certain dams on Yellow river, Burnett and Washburn counties.

SECTION 1. For the purpose of improving the navigation of Yellow river, in the counties of Burnett and Washburn, in the state of Wisconsin, William Chalmers, his heirs or assigns, are hereby authorized to purchase or build, maintain and operate, dams across Yellow river, in said counties and state aforesaid, at such points as he may select in the sections and townships hereinafter

described, viz.: One dam, to be so purchased or built, maintained and operated, at such point as said William Chalmers may select in section twenty-seven, township thirty-nine, north of range twelve west; one dam, to be so purchased or built, maintained and operated, at such point as said William Chalmers may select in section seven, township forty, north of range sixteen west; one dam, to be so purchased or built, maintained and operated, at such point as said William Chalmers may select in section twenty, township thirty-nine north, of range fourteen west; one dam, to be so purchased or built, maintained and operated, at such point as said William Chalmers may select in section ten, township thirty-eight north, of range thirteen west. And also to build and maintain such booms and other improvements upon Yellow river in connection with said dams as may be necessary to facilitate the driving of logs down said Yellow river and the sluicing of the same through said dams.

How constructed, controled, etc.

SECTION 2. The dams authorized by this act shall be constructed and maintained with suitable gates and sluices for the passage of logs over the same, and the management and control of the said water collected therein, in aid of the navigation of said river; and said dams, and each and all of the same, together with their gates and sluices, and all other improvements erected or maintained upon said river by said William Chalmers, his heirs or assigns, under the provisions of this act, shall at all times be under the exclusive control of said William Chalmers, his heirs or assigns, and be so controlled and managed as, in the judgment of said William Chalmers, his heirs or assigns, will be subservient of the interest of the parties engaged in driving logs down said river.

May collect tolls and enforce payment of same.

SECTION 3. As compensation for the improvements made upon said Yellow river, when said William Chalmers, his heirs or assigns, shall have erected or purchased, and shall maintain said dams across said river in the townships and ranges aforesaid, the said William Chalmers, his heirs or assigns, shall be entitled to, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as toll, the sum of six cents per thousand feet, board measure, on all

logs or timber sluiced or driven through, or by the aid of either of said dams, or the waters collected therein. And when such logs or timber shall be sluiced or driven through more than one of said dams by the aid of the water collected therein, then the said William Chalmers, his heirs or assigns, shall be entitled to, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as toll the sum of six cents per thousand feet board measure for each of said dams, through which said logs or timber shall be sluiced or driven. And the said William Chalmers, his heirs or assigns, are hereby authorized and empowered to demand and receive said toll before they shall be required to permit the use of the water retained by said dam or dams, for the purpose of sluicing or driving any logs or timber on said river; and in case any logs or timber are sluiced or driven down said river through or below any of said dams, with the consent of said William Chalmers, his heirs or assigns, or otherwise, without the toll thereon being first paid, the said toll shall be and remain a lien upon all of said logs or timber bearing the same mark until the said toll is paid; which said toll shall have precedence of any and all liens or claims upon said logs or timber, except liens for labor; and the lien thereby given shall be enforced in the same manner and with like effect as liens for labor upon logs, as provided in chapter 103, of the revised statutes of 1878, and the several acts of the legislature amendatory thereto, which said chapter and the acts amendatory thereto are hereby made applicable hereunto, except that the statement of the debt or demand therein required to be filed in the office of the clerk of the court may be filed at any time prior to the first day of October in the year in which the sluicing or driving of said logs or timber through said dams, or any of the same, shall have been done or permitted. The owner or owners of any logs or timber sluiced or driven down said river through or below said dams, or any of the same, shall be liable for the toll thereof; and any person having a mortgage upon said logs at the time the same are so sluiced or driven, who shall afterwards sell or take possession of said logs by virtue of said mortgage shall thereby become liable for the toll

due thereon; and the said William Chalmers, his heirs or assigns, are hereby authorized to sue for and receive and recover the same from said mortgagee.

SECTION 4. Said William Chalmers, his heirs or assigns, for the purpose of acquiring any flowage rights that may be deemed necessary in carrying out the provisions of these acts, may exercise all the power granted to corporations by section 1777, of the revised statutes of 1878, and the several acts of the legislature amendatory thereto; and all of the provisions of said section 1777, and said chapter 146 mentioned therein, are hereby made applicable hereunto. May exercise powers conferred by sec. 1777, R. S.

SECTION 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed. Repeal.

SECTION 6. The right to alter, amend or repeal this act is hereby reserved. Rights reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1889.

[No. 53, A.] [Published March 4, 1889.]

CHAPTER 50.

AN ACT to change the time of holding court in the second judicial circuit, and to regulate the noticing of actions for trial therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The terms of the circuit court for the second judicial circuit shall be held on the first Monday of January, the first Monday of March, the first Monday of May, the first Monday of September, and the first Monday of November, in each year. A jury shall be summoned for the first day of each of said terms, unless otherwise ordered by the said court. Changing time of holding court in 2d judicial circuit.

SECTION 2. After an action or proceeding commenced or pending in said court shall be hereafter once noticed, and placed on the calendar for Noticing causes.

trial, it shall not be necessary for either party to notice the same for trial at any subsequent term, but the clerk of such court shall place the same on the calendar according to the nature and date of the issue or issues then or thereafter formed therein, until it shall have been tried or otherwise finally disposed of. Any trial, hearing, argument or assessment which shall have been commenced during any term, but shall not have been concluded before the commencement of the next term, shall be continued and proceeded with at said next term in the same manner and with like effect as though it had been commenced at that term.

Repeal.

SECTION 3. All provisions of law in conflict with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication; provided, the January term of 1889, of said court shall be held as now provided by law, until the first Monday of March, 1889.

Approved March 2, 1889.

[No. 289, A.] [Published March 5, 1889.]

CHAPTER 51.

AN ACT to amend chapter 511, of the laws of 1887, entitled, "an act regulating the terms of court in the eleventh judicial circuit."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Changing time of holding court in 11th judicial circuit.

SECTION 1. Chapter 511, of the laws of 1887, entitled, "an act regulating the terms of court in the eleventh judicial circuit," is hereby amended by striking out the words, "first Tuesday of April," where the same occur in the said bill, and insert in lieu thereof, "first Wednesday after the first Tuesday of April," so that said section, when so amended, will read as follows: Section 1. The general terms of the circuit court in the eleventh judicial circuit of the state of Wiscon-

sin shall be commenced as follows: County of Douglas, third Tuesday of February and third Tuesday of August. County of Washburn, first Tuesday of March and first Tuesday of September. County of Burnett, third Tuesday of March and second Tuesday of September. County of Polk, first Wednesday after the first Tuesday in April and third Tuesday in November. County of Barron, third Tuesday of April and third Tuesday of September. County of Chippewa, first Tuesday of May and first Tuesday of October in each year.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1889.

[No. 214, A.] [Published March 4, 1889.]

CHAPTER 52.

AN ACT to authorize the governor to appoint a commission consisting of three members besides himself to represent the state of Wisconsin at the centennial celebration of the inauguration of George Washington president of the United States, April 30, 1889.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing the governor to appoint a commission of three to represent Wisconsin at centennial celebration of Washington's inauguration.

SECTION 1. The governor is hereby authorized and empowered to name three commissioners, who shall, with himself, constitute a commission to represent the state of Wisconsin at the centennial celebration of the inauguration of George Washington as president of the United States, to be held in New York, April 30, 1889.

Expenses, how paid.

Appropriation.

SECTION 2. The actual expenses of such commissioners shall be paid from the general fund of the treasury, upon a sworn voucher approved by the governor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1889.

[No. 43, A.] [Published March 6, 1889.]

CHAPTER 53.

AN ACT to authorize Thomas E. Nash to erect and maintain a dam or dams across the Wisconsin river in township twenty-one north, of range five east.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing Thomas E. Nash to build dam across Wisconsin river.

SECTION 1. Thomas E. Nash, his associates, heirs and assigns, are hereby authorized and empowered to erect and maintain a dam or dams (not exceeding two) across the Wisconsin river on any lands now owned by him in township twenty-one north, of range five east, at such point or points on his lands in said township and range as he shall elect; provided, that if one dam only be erected, the same shall not exceed eighteen feet in height, and if two dams be erected, then their aggregate height shall not exceed twenty feet; and provided further, that said dam or dams shall be so constructed as not to obstruct the running of lumber, timber or logs down said river, and that a slide shall be constructed in said dam or dams at least two feet below the general height thereof, and not less than forty feet in width, and that the same be constructed in accordance with the laws of this state.

May sell or lease certain rights.

SECTION 2. Said Thomas E. Nash, his associates, heirs and assigns, shall have the right to use the waters of said river, and the water power created by such dam or dams, for propelling any kind of machinery that he or they may at any time hereafter see fit to erect, and to sell or lease the right to use said water and water power, or any part or portion thereof, to any person or persons whomsoever.

Rights reserved.

SECTION 3. The legislature reserves the right to alter, amend or repeal this act whenever in its judgment the public interests may require it.

Ch. 294, P. and L. laws 1856, inconsistent herewith repealed.

SECTION 4. All such parts of chapter 294, of the private and local laws of 1856, entitled, "an act to incorporate the Nekoosa Lumbering company," as

are inconsistent with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1889.

[No. 151, A.] [Published March 7, 1889.]

CHAPTER 54.

AN ACT to discontinue a part of a certain state road extending into the counties of Dodge nd Sheboygan.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That so much of a certain state or territorial road as lies in the northeast quarter of the southeast quarter of section twenty-six, township thirteen north, of range seventeen east, in said county of Dodge, be and the same is hereby discontinued.

Discontinuing certain state road in Dodge and Sheboygan counties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved 6, March 1889.

[No. 23, A.] [Published March 7, 1889.]

CHAPTER 55.

AN ACT to restore persons adjudged insane to their civil rights.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Upon the receipt by any county judge in this state of a petition in writing verified by the oath of any respectable resident of the

Civil rights of insane persons, how restored, petition, what to state—duties of county judge.

county wherein such county judge resides, s
forth that the person in whose behalf the p
is filed has theretofore been adjudged insan
further alleging that said person is now be
by petitioner to be sane, and requesting a ju
examination as to that fact, and further s
whether or not such person has a general
dian, and if he has, giving the name and resi
of such guardian, it shall be the duty of
judge receiving such petition, at once by
to appoint two disinterested physicians of
repute and residents of the county, to exa
and report to the said judge, in their op
whether the person so examined is sane or in

Notice of application, how given.

SECTION 2. If the said person to be exam
has a general guardian, the judge shall at the
of appointing the physicians to examine, ca
notice of the application and of the time and
of such examination to be served upon
general guardian, and such general guardia
any relative or friend of such person to be ex
ined may appear at such examination.

Report of physician's. Judgment to be entered by judge, when jury trial may be had. Form of procedure, etc.

SECTION 3. Upon the receipt of the repo
such examining physicians, if they report
person examined sane and the judge is satis
that he is sane, and no demand for a jury tri
made to such judge, he shall forthwith pronou
and enter his judgment that the person exami
is sane. But if the judge, the person examin
the guardian or any relative or friend of the
son examined shall be dissatisfied with the re
of the physicians, and shall demand a trial
jury, the judge shall forthwith enter an order
a jury trial. The forms of procedure of the j
trial shall be the same as in trials by jury in j
tice's courts, and shall be in the presence of
person examined by the physicians, counsel,
any appear, relatives, the guardian, if a
the immediate friends of the person exa
ined and the witnesses. All others may be e
cluded by the court. After hearing the eviden
and arguments of counsel, if any appear, the ju
shall return their verdict of sane or insane, as th
shall agree. If they disagree, they may be di
charged and another jury empanelled.

When judge to commit persons to asylum.

SECTION 4. Upon the verdict of the jury, t
court shall enter a judgment of sanity or insa
ity, as they shall find the fact. If the verdi

found is that the person examined is insane, the court shall make a further order of commitment to some hospital or asylum, or not, as in the judgment of the court the facts warrant.

SECTION 5. All persons rendering any services in these proceedings shall receive the same compensation as is now allowed by law for like services to be paid in like manner. Fees to be paid.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1889.

[No. 196, A.] [Published March 7, 1889.]

CHAPTER 56.

AN ACT to enlarge and extend the corporate limits of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The corporate limits of the city of Milwaukee are hereby enlarged and extended so as to include all that part of the southeast quarter and northeast quarter of section twenty-four (24), in town seven (7) north, of range twenty-one (21) east, bounded and described as follows, to wit: Commencing at a point where the center line of Vliet street in said city of Milwaukee intersects the range line between ranges twenty-one (21) and twenty-two (22), running thence west along the center line of said Vliet street to the one-eighth section line running north and south through the southeast quarter and northeast quarter of section twenty-four (24); thence north along said one-eighth section line to the north line of said northeast quarter of section twenty-four (24); thence east along the north line of said northeast quarter of section twenty-four (24), to a point where said range line between said ranges twenty-one (21) and twenty-two (22) intersects the north boundary line of said northeast quarter of section twenty-four (24); thence south along said range line to Enlarging corporate limits of the city of Milwaukee.

To constitute part of 9th ward.

the place of beginning. The territory hereby added to said city shall constitute a part of the ninth ward thereof, and shall be subject to the laws, and regulations and ordinances governing said ward and said city.

Section 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1889.

[No. 74, S.] [Published March 8, 1889.]

CHAPTER 57.

AN ACT to appropriate the sums of money therein named to the charitable, reformatory and penal institutions of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriations to various charitable, reformatory and penal institutions to January, 1891.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, to the institutions below named, the following sums of money for the purposes specified, to wit: To the Wisconsin State Hospital for the insane for current expenses, including painting and necessary repairs, to January 1, 1891, and the erection of an ice house, the sum of one hundred and thirty-three thousand dollars. To the Northern Hospital for the Insane, for current expenses, including painting and necessary repairs, to January 1, 1891, and for the erection of an ice house, the sum of one hundred and thirty-six thousand dollars; for the erection of a water tower and reservoir, and making necessary connections, eight thousand dollars. To the Wisconsin School for the Deaf, for current expenses, including painting and making necessary repairs, to March 1, 1891, the sum of seventy-nine thousand dollars; for the erection of a gymnasium, including a natatorium and water closets, the sum of six thousand dollars. To the Wisconsin School for the Blind for current expenses, including painting and necessary repairs to March 1, 1891, the sum

of forty-nine thousand dollars. To the Wisconsin Industrial School for Boys for current expenses, including painting and necessary repairs, to January 1, 1891, ninety-five thousand dollars; for the building of a barn and the removing of the piggery, two thousand dollars; for the erection of a water tower and reservoir, four thousand dollars; for the purchase of about twenty-seven acres of land, five thousand four hundred dollars. To the Wisconsin State Prison for current expenses, including painting and necessary repairs, to March 1, 1891, and to provide for heating by steam the main building and cell rooms, the sum of forty thousand dollars. To the State Public School, for current expenses, including painting and necessary repairs to March 1, 1891, the sum of seventy-eight thousand dollars; for the erection of a school-house, six thousand dollars; for the building of a hospital, or, in lieu thereof, the purchase of a tract of land adjoining the grounds of the school, and the converting of the building thereon into a hospital, in the discretion of the state board of supervision, five thousand dollars; for the building of a barn, two thousand dollars; for the erection of an ice house and cold storage, two thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1889.

[No. 87, S.] [Published March 8, 1889.]

CHAPTER 58.

AN ACT to amend chapter 158, of the private and local laws of 1868, entitled, "An act to incorporate the chamber of commerce of the city of Milwaukee," approved February 29, 1868.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4, of the above entitled act, is hereby amended to read as follows, viz.: The

Amending ch. 158, P. and L. laws 1868, relating to chamber of commerce, Milwaukee. Rules and regulations relating to management of.

said corporation is hereby authorized to establish such rules and regulations for the management of its business and the mode in which it shall be transacted, as it may deem proper; and said corporation is also empowered to convert the surplus money and property now belonging to it, or which may hereafter belong to it, into a gratuity fund, to be invested by a committee to be appointed by the board of directors, and to appropriate the net income thereof for the benefit of those of its members, or the widows or heirs of such persons as may die while members, who are entitled to participate in the gratuity fund, as provided by its rules. Said fund shall be administered in such manner as said corporation may by rule direct; and said corporation is empowered to prescribe by its rules such qualifications for participation in the benefits of the gratuity fund as to age or bodily condition of persons hereafter becoming members of the association, as it may deem best. Said corporation is further authorized to assess the members entitled to participate in the gratuity fund, to provide a sufficient fund to pay such sum, not to exceed one thousand dollars, to the widows or heirs of each deceased member entitled to participate in the said gratuity fund.

Repealed.

SECTION 2. All acts or parts of acts in so far as they conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1889.

[No. 69, S.] [Published March 8, 1889.]

CHAPTER 59.

AN ACT to amend the charter of the city of River Falls.

(See Vol. 2.)

[No. 222, A.] [Published March 8, 1889.]

CHAPTER 60.

AN ACT to reduce the act incorporating the city of Janesville into one act.

(See Vol. 2.)

[No. 26, A.] [Published March 8, 1889.]

CHAPTER 61.

AN ACT to repeal chapter 289, of the laws of 1887, relating to the appointment of a register in probate for St. Croix county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 289, of the laws of Wisconsin for 1887, is hereby repealed. Repealing ch. 289, laws 1887.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1889.

[No. 551, A.] [Published March 8, 1889.]

CHAPTER 62.

AN ACT to amend chapter 389, of the laws of 1885, entitled, "an act to regulate the appointment of inspectors of election and the registration of electors in cities of over fifty thousand inhabitants."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECEION 1. Whenever it may become necessary to establish a new election district, and to appoint

Amending ch. 389, laws 1885, appointment of inspectors and clerks of new election districts.

inspectors and clerks of election therefor, after the first regular meeting in September, as provided in chapter 389, of the laws of 1885, and the laws amendatory thereof, the mayor shall prescribe the boundaries of such district so as to include not more than five hundred legally qualified electors, and shall appoint inspectors and clerks therefor, as provided by law. Such inspectors and clerks shall, if confirmed by the common council, hold their office until the first regular meeting of the common council in September next following the date of their appointment, and be governed by the provisions of chapter 389, of the laws of 1885, and the laws amendatory thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1889.

[No. 111, A.] [Published March 9, 1889.]

CHAPTER 63.

AN ACT to create the municipal court of the county of Dunn and the city of Menomonie.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Creating municipal court of Dunn county and city of Menomonie.

SECTION 1. There is hereby created and established in the county of Dunn, and the city of Menomonie a municipal court, and for that purpose the county of Dunn and the city of Menomonie are hereby declared a municipality, under the jurisdiction of said court, which shall have powers and jurisdiction as hereinafter specified and provided.

Established.

SECTION 2. The court hereby established shall be known as the "municipal court for Dunn county," and the judge thereof as the "municipal judge." It may have a clerk, to be appointed and paid by the municipal judge, and shall have a seal with suitable device, to be procured under the direction of the judge thereof, at the expense of said county. All papers, certificates, depositions,

acknowledgments, examinations and other documents executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in this state.

Election of judge.

SECTION 3. On the first Tuesday in April, A. D. 1889, and every four years thereafter, there shall be elected in the county of Dunn, in the same manner as county judges are elected, one municipal judge, who shall hold his office for the term of four years from the first Monday in May next following said election, and until his successor is elected and qualified, and in case of a vacancy occurring in the office of municipal judge, the vacancy shall be filled by appointment by the governor of the state and the person appointed to fill such vacancy shall hold said office for the residue of the term for which his predecessor was elected or appointed, and until his successor is elected and qualified. In case of sickness, absence or temporary disability of said municipal judge, he may, by an order in writing to be filed in said court, appoint a justice of the peace of said county, to discharge the duties of said judge during such sickness, absence or disability, who shall have the same powers as said judge, while administrating such office, except to hear trials or informations.

Who eligible.

SECTION 4. No person shall be eligible to the office of judge of the municipal court except a qualified elector of the county of Dunn, at the time of his election or appointment, and said judge shall hold no other county office during the term for which he is elected or appointed.

To take oath of office and give bond.

SECTION 5. The municipal judge before entering upon the duties of said office, shall take and subscribe the constitutional oath of office, and file the same in the office of the clerk of the circuit court for said county, and a duplicate copy thereof in the office of the clerk of the city of Menomonie, and shall execute to the county of Dunn a bond in the penal sum of one thousand dollars, with one or more sureties to be approved by the treasurer of said county, and recorded and filed as provided in section 702, of the revised statutes conditioned for the faithful performance of the duties required of him by law, and the faithful application and payment of all moneys and effects which may come into his hands in the execution of the duties of his office.

To hold office and court in city of Menomonie.

SECTION 6. The judge of the municipal court for Dunn county shall hold his office and court in the city of Menomonie, in some suitable room therein to be provided, suitably furnished, heated, lighted and cared for by the city of Menomonie, and said city shall furnish all needful dockets and records, also all needful stationery and blanks in criminal causes.

Jurisdiction.

SECTION 7. The municipal court for Dunn county shall have cognizance of and jurisdiction to hear, try and determine all actions and proceedings at law wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars; actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, when the value of the property claimed shall not exceed the sum of five hundred dollars; actions at law for damages in tort or on contract against said county; and any town or incorporated city or village in said county, and actions for malicious prosecution and false imprisonment where the damages claimed do not exceed five hundred dollars, but nothing herein contained shall be construed to give said municipal court cognizance or jurisdiction of any action mentioned in subdivisions 1 and 3, of section 3573, of revised statutes; it has and may exercise powers and jurisdiction equal and concurrent with the circuit court for Dunn county, in all cases of crimes and misdemeanors arising in said county, except crime for which the highest penalty provided by law shall exceed five years' imprisonment in the state prison, and except where the person accused shall demand in writing, as hereinafter provided, to be tried in the circuit court for said county. No justice of the peace or court commissioner within said county shall exercise any jurisdiction in criminal or bastardy cases on or after the first Monday of May, A. D. 1889, except that justices of the peace and court commissioners may issue warrants in criminal and bastardy cases returnable before the municipal judge, but all such jurisdiction is vested in the judge of said municipal court; and all examinations, recognizances and commitments from said judge in criminal and bastardy cases, except offenses for which the highest penalty provided by law shall

exceed five years' imprisonment in the state's prison, shall be certified and returned to said municipal court, instead of said circuit court, at or before the time fixed for the appearance of the accused, and the accused and all witnesses required to attend shall be committed to be brought, or recognized to appear, before said municipal court on a day certain, not more than sixty days nor less than ten days from the date of the commitment or recognizance.

Criminal jurisdiction.

SECTION 8. The general provisions of law, which may at any time be in force relative to circuit courts, and actions and proceedings therein in criminal cases, shall relate also to said municipal court, unless inapplicable, and the rules of practice prescribed by the justices of the supreme court for circuit courts shall be in force in said municipal court, and its rules of practice and proceedings shall conform, as near as practicable, to the rules of practice in circuit court; but the laws of the state relative to changes of venue in criminal examinations and trials shall not apply to said municipal court or the judge thereof.

Trial of criminal offenses may be changed to circuit court.

SECTION 9. Any person charged upon information of a criminal offence, triable in said court, may at any time before a jury is drawn for the purpose of the trial thereof, or the trial thereof commenced in said court, demand in writing that he be tried in the circuit court for Dunn county, and thereupon the said municipal court shall commit or hold said party to bail to appear at the next term of said circuit court, as upon examinations, and the judge, under the seal of said court, shall transmit all papers and a copy of the record of the proceedings in said case, properly certified to be such, to said circuit court, which shall then proceed to hear and determine the same, and all recognizances previously given in said case and returned to the municipal court may be enforced by said circuit court as fully as if they had originally run and been certified and returned thereto. All informations for criminal offences committed in said county, except offences for which the highest penalty provided by law shall exceed five years' imprisonment in the state prison, shall, in the first instance, be filed in said municipal court by the district attorney for said county, at or before the term at which the same may be triable,

if terms are held, and if not, then at or before the time fixed for the trial thereof.

Additional powers and jurisdiction.

SECTION 10. The municipal judge in addition to the powers vested in the municipal court as aforesaid, is vested with original and exclusive powers and jurisdiction heretofore given to justices of the peace in said county, in all bastardy and criminal actions and proceedings, and with original and exclusive jurisdiction of all prosecutions for the breach of any ordinance or by-law of the city of Menomonie, and to exercise said jurisdictions shall hold the municipal court as courts are held by justices of the peace; said judge shall open court each morning (Sundays and legal holidays excepted), and hear and dispose of in a summary way, all cases for violation of the ordinances and by-laws of said city, which may be brought before him by police officers or otherwise, either with or without process. Proceedings therein shall be in such forms as are now used by justice courts, as far as applicable or such forms as may be prescribed by the municipal judge, and the city attorney shall be the prosecuting officer therein.

Proceedings and practice in civil actions to be governed by provisions of law relating to justice courts.

SECTION 11. The proceeding and practice in civil actions and proceedings, in said municipal court, shall be governed by, as near as may be, the provisions of law for justice courts, the pleadings therein shall be those prescribed for justice courts, they shall, in all cases be in writing, they may be verified as in circuit court, and with the same effect after a verified complaint has been filed, unless all subsequent pleadings, except a demurrer, are verified, they may be stricken out on motion; in addition to the powers of justices of the peace over pleadings, said municipal judge is given power in his discretion, to entertain and decide such motions and to make such orders in reference to pleadings as are provided by law for circuit courts; said municipal judge may, in his discretion, in matters of practice in his court, and without consent of parties, make such orders and preliminary disposition of any civil or criminal cause or proceedings which he has jurisdiction, to hear, try and determine, as will best promote justice and prevent a failure thereof, or costs or hardships, and to this end he may at any time, and at any stage of the said civil or criminal cause

or proceeding, adjourn any such civil or criminal cause and proceeding to a future time, not exceeding ten days at any one time, without consent of parties.

Adjournments in criminal cases.

SECTION 12. Whenever said municipal judge adjourns any civil or criminal cause, matter or proceeding without entering the same on his docket as hereinafter provided, the time or place or either or both, the same shall be presumed to be adjourned to a time thereafter to be fixed by said judge and at his office, who shall notify all parties or their respective attorneys by mail or otherwise, of the time and place fixed by him for trial, which time shall not exceed ten days, and jurisdiction shall in no such case be thereby lost.

When actions or proceedings may be removed.

SECTION 13. No action, examination or other proceedings shall be removed from said municipal court, but whenever it shall appear by affidavit that the municipal judge is interested pecuniarily in the action, examination or other proceeding, or that said judge is a material witness, or is within the forbidden degree of consanguinity to either of the parties to the action, examination or other proceeding, the municipal judge shall by order in writing filed in said court, appoint a court commissioner or a justice of the peace of said county not disqualified to try said action or hear said examination or other proceeding, for the reason above stated, to appear and try said action, or hear said examination or other proceeding, whereupon it shall be the duty of said court commissioner or justice so notified to forthwith appear at the court room of said municipal court and discharge the duties of judge of said municipal court on the trial of said action or the hearing of said examination or other proceeding in the same manner and with like effect as said municipal judge would if not disqualified to act; and the doings of said court commissioner or justice of the peace while so presiding over said municipal court shall have and be of the same force and effect as like proceedings of said municipal judge, and when said action, examination or other proceeding is concluded, a like record as in other like cases shall be made in said court, and thereafter and thereupon execution may be issued as in other like cases tried before said municipal judge; said court commissioner or justice while presiding over said municipal

court shall receive the same fees in civil cases as are allowed by law to said municipal judge for like services, and in criminal causes he shall receive three dollars per day, to be paid by the county of Dunn.

Causes may be removed from justice courts to.

SECTION 14. Whenever any civil action or other proceeding shall be removed from any justice of the peace of said Dunn county upon the oath of said defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney, requests in writing to such justice that said action or other proceeding be removed to said municipal court, then said action or other proceeding and all papers therein shall forthwith be transmitted to the presiding judge thereof, who shall proceed with said action or other proceeding in the same manner as if originally instituted before him.

Trial by jury may be had.

SECTION 15. A trial by jury may be had in said municipal court in all cases, both civil and criminal as hereinafter provided, the jury therein shall consist of six unless the parties interested consent to a less number. After issue joined in any civil action or proceeding and before the commencement of the trial thereof, either party to the action on first paying to the municipal judge six dollars in advance as jurors' fees, may demand that the action be tried by a jury of six men, the money so advanced or so much thereof as may be necessary, shall be paid to the jurors when they shall have rendered their verdict, and the residue of the money, if any, shall be returned to the party advancing said money; on the trial and determination of bastardy and criminal causes a jury may be had on demand after issue joined and before the commencement of the trial, and if no jury be demanded as aforesaid, then a jury trial shall be deemed to have been waived.

List of jurors, how made and drawn.

SECTION 16. The senior alderman and the supervisor of each ward of the city of Menomonie shall, on or before the fourth Monday of April in each year, make a list of eighteen electors, qualified to serve as jurors, from each ward of said city, to serve as jurors in the municipal court for the ensuing year, and to forthwith deliver said list, complete, to the judge of the municipal court; when a jury has been demanded for a trial

either civil or criminal, the municipal judge shall, in the presence of both parties or their respective attorneys, draw from a box containing the names of the persons so furnished by the senior alderman and supervisors, six names; each party may, alternately, beginning with the prosecution, strike out a name drawn, not more than six in all, and as soon as a name is objected to, the judge shall draw another; the six persons whose names remain after such objections are made or waived, shall be summoned as jurors in such case; if any person thus drawn cannot be summoned, or be excused by the judge, or be set aside for cause, as provided in section 2849, revised statutes 1878, another name may be drawn from said box containing said list, to supply the deficiency, who shall be summoned in like manner; or the judge may, in his discretion, order the officer to summons a talesman to supply the deficiency. Jurors, witnesses and interpreters shall receive the same fees as in justice courts, to be paid in criminal or bastardy cases by Dunn county, on the certificate of the municipal judge in the same manner as jurors are paid in circuit court.

Jury may be waived, duty of judge.

SECTION 17. In all cases tried without a jury, said judge shall, when requested in writing by either party, before judgment, make and file with the papers in the case, his findings of facts and conclusions of law. Said judge shall keep a separate docket for civil and criminal causes, in which he shall make and enter the same and all the matters required by law, of justices of the peace, and in the same manner, as near as practicable, to this court, together with all other steps, orders and proceedings in any cause, before or after judgment, so as to show a true and complete record thereof. Said judge shall make and file, in all causes, full minutes of all evidence taken by himself or any disinterested person under his direction in either long or short hand and when requested by either party, said judge shall cause all documents written in short hand to be transcribed into long hand, and the stenographer shall certify to the correctness thereof; and said judge or stenographer shall be allowed to charge and collect, from the party so requiring the transcript, ten cents per folio therefor; said judge shall file all

evidentiary papers or other documents used by either party upon the trial, with the papers in the case.

May set aside verdicts, procedure thereon, new trials.

SECTION 18. For ten days after judgment in civil actions, and for twenty-four hours after judgment in criminal causes over which said court has jurisdiction to hear, try and determine, the said municipal judge shall have, and he is hereby vested with the same power over verdicts, judgments, rulings, orders and proceedings in his court as are possessed by the circuit courts over their judgments, orders and proceedings at or before trial or judgment and during trial term. And said municipal judge may direct or set aside verdicts, grant new trials on payment of all costs or on such conditions as to costs as justice requires, modify or reverse judgments and orders, of his said court, or of the judge thereof, or do any act or thing which circuit courts may do during trial term, being governed therein by the general law and practice of the circuit court, as near as may be, where the rules of law for justice courts are inadequate or do not apply. New trials, if granted must be granted within ten days after judgment, in civil cases, and within twenty-four hours after judgment in criminal causes, except on substituted service by publication in civil cases, where the rule for justice courts shall apply; if granted upon the grounds of newly discovered evidence, it may be granted at any time within six months after judgment. If a jury should disagree, said judge shall forthwith fix a time for a new trial. All motions and matters of practice subsequent to judgment in said municipal court, shall be decided except as herein provided, within ten days after judgment Motions in this court requiring notice, may be brought on upon five days' notice in all cases, and upon less time, upon an order to show cause. Motions, when not provided for in justice code, shall be governed by the rules of circuit courts as near as may be. Orders to show cause may be granted by said judge, to prevent delay, costs or undue advantage. In granting orders to show cause, the rules of the circuit court shall prevail as near as may be. Costs in this court shall be governed by the law prevailing in justice court; provided, that for all contested motions, in civil cases, subsequent to

judgment, the municipal judge may, in his discretion, award an attorney fee, not exceeding five dollars in any one case to the successful party.

Judgments by confession, how.

SECTION 19. A judgment by confession may be entered before the judge of said municipal court, in any sum not exceeding one thousand dollars without action, either for money due or to become due, or to secure any person against a contingent liability, on behalf of the defendant, or both, if a statement in writing be made, signed by the defendant and verified by his oath to the following effect:

Judgments, how entered.

First. It must state the amount for which judgment may be entered and authorize the entry of judgment therefor by the municipal judge of said court.

Second. If it be for money due or to become due, it must state, concisely, the fact out of which it arose, and must show that the sum confessed therefor is justly due or to become due.

Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state, concisely, the fact constituting the liability, and must show that the sum confessed does not exceed the same.

Attorneys fee allowed.

SECTION 20. In all actions in civil cases, in said municipal court, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney's fees as follows: On all judgments taken in actions, wherein the defendant does not appear, and answer or demur, when the amount of the judgment exceeds one hundred dollars and is less than three hundred dollars, ten dollars, when the amount of the judgment is three hundred dollars or upwards, fifteen dollars; on all other judgments, when the amount found, does not exceed one hundred dollars, an amount equal to ten per cent. of the judgment found. When the amount of the judgment found exceeds the sum of one hundred dollars, ten dollars on the first one hundred dollars and five per cent. on the amount of the judgment in excess of one hundred dollars; provided, that in no case shall the amount of such attorney's fees exceed the sum of twenty dollars; and in case the judgment shall be for the defendant, he shall be entitled to recover attorney fees as follows: In all cases where the plaintiff shall claim in his complaint one hundred

dollars or less, an amount equal to ten per cent. of such claim. In all cases where plaintiff shall claim in his complaint a sum over one hundred dollars, ten dollars for the first one hundred dollars, and five per cent. on the amount claimed in excess of one hundred dollars; provided, that in no case shall the amount of attorney's fees exceed the sum of twenty dollars. The provisions of this section shall also apply to proceedings for the recovery of personal property and the value of the property as found, if judgment be for plaintiff, and as claimed, if judgment be for defendant, shall be the basis for the taxation of attorneys' fees; and in all other civil actions, not herein provided for, an attorney fee of ten dollars shall be allowed to the party in whose favor judgment is rendered; provided, however, that no attorney fee shall be allowed unless the party who recovers judgment shall appear by an attorney of a court record.

Sheriff or any constable may serve writs, etc.

SECTION 21. The sheriff or any constable of the county of Dunn or the marshal of the city of Menomonie, shall have the same power to serve and execute writs, warrants and processes of said court and judge as of justices of the peace and of justice courts, and they shall have and recover the same fees therefor; provided, however, that a "long summons" issued by said court or judge may be served by any person not a party to the action and in the same manner as a circuit court summons and the same proof of service shall be required as in case of the service of a circuit court summons by a person not an officer. The municipal judge may sign in blank "long summons" and deliver them to any attorney of a court of record, which may afterwards be filled out by said attorney and served with full force and effect. In all cases commenced or preceding had in said court when the sheriff or one of his deputies is a party, the summons or other process may be served on such sheriff or deputy by any person authorized by the said court for that purpose.

Effect of final judgment.

SECTION 22. The final judgment of said court shall be of the same force and effect as a final judgment of a justice of the peace and justice court, and execution thereon may be issued in like manner; transcripts thereof in civil actions may be filed in the office of the clerk of the circuit court for said county in the same manner and

be of the same force and effect as a judgment of a justice of the peace.

SECTION 23. The said municipal judge is hereby authorized to tax and collect in all actions and proceedings, both civil and criminal, for his own use, except as hereinafter provided, the fees allowed by law to justices of the peace. For his services in conducting criminal trials and examinations, said municipal judge shall receive a salary in lieu of fees, payable quarterly out of the treasury of Dunn county in the same manner as other county officers who receive salaries are said to be fixed by the county board of supervisors, according to the provisions of section 694, of the revised statutes, which shall not be less than five hundred dollars per year, and the salary of said municipal judge is hereby fixed at the sum of five hundred dollars per year for the first term only, and in consideration thereof said judge shall pay over all fines collected and all costs imposed and collected in criminal cases arising under the laws of the state, into the county treasury for the use of said county, and all fines collected, and all costs imposed and collected in cases arising under ordinances or by-laws of the city of Menomonie shall be paid into the city treasury for the use of said city. Said judge shall retain for his own use all fees collected in civil actions and proceedings only. Fees of judge how taxed, etc.

SECTION 24. The municipal court and the judge thereof has power and authority to issue all writs, warrants and processes necessary to carry into effect its jurisdiction, which writs, warrants and processes may in substance be in the same form as now used in justice courts, or such as shall be directed by the judge thereof, and may be entitled thus: Judge issue writs, etc.

State of Wisconsin, } In municipal court.
Dunn county. }

Hand signed thus:

A. B.,
Municipal Judge.

Writs, warrants and processes issued by the municipal court, or the judge thereof, signed by the judge and sealed with the seal of said court, may be executed in any part of the state by the officer to whom it is addressed.

Appeals, how taken.

SECTION 25. Appeals from said municipal court shall be taken to the circuit court for Dunn county, and when not otherwise provided, the law relating to appeals from justice courts shall apply. The same affidavit and notice, in substance, shall be made and given as upon appeal from justice court. Any party, to a final judgment, or to an order affecting a substantial right, made after judgment may appeal; any party desiring to appeal, may upon motion, the opposite party or parties having had five days' notice in writing, or a less time on an order to show cause, in civil actions or proceedings, and on twelve hours' notice in criminal actions or proceedings, move the court for a reversal, in whole or in part, of the judgment or orders made, for a new trial, for an order setting aside a verdict, or for such relief as the party may consider himself lawfully entitled to, and the judge shall enter his orders or rulings granting or refusing the relief prayed for, within ten days after judgment in civil cases, and within twenty-four hours after judgment in criminal actions. In civil cases the appeal must be taken within twenty days after judgment is rendered (not proceeding after judgment), and in criminal causes, within twenty-four hours after judgment. Appeals shall be from the judgment and final orders affecting a substantial right made subsequent to judgment, and the appeal shall open up for trial in circuit court, both the law and the facts in the whole case. The party first appealing shall pay the judge's fees, including costs of transcribing hereinbefore provided, together with one dollar for his return, one dollar for state tax, and two dollars for clerk's fees for the clerk of the court appealed to, except in criminal cases where no fees are required to be advanced by the defendant therein; upon the receipt of the fees heretofore provided to be paid, and not till then, the municipal judge shall make a transcript of his docket and a return, in the same manner as in an appeal from justice court, and transmit the record and all the papers in the case to the clerk of the circuit court for said county, within ten days after the appeal is perfected, and said clerk shall file the same, and to the end that a true and correct record be kept, said municipal judge may at any time, on motion of himself or of a party to the action, or upon an

order or suggestion from the appellate court, all parties interested having notice, correct his minutes or his record, so as to show the very truth of the matter. Attorneys practicing in said court may ask that instructions be given to juries, and allege objections to rulings or orders of said court according to the rules of practice in circuit courts.

Docket and records to be public. How kept

SECTION 26. The dockets and records of said municipal court shall be public records, open to the inspection of all persons at every reasonable hour.

May be a court commissioner.

SECTION 27. The circuit judge is hereby authorized to appoint the municipal judge, who shall be an attorney of a court of record, a court commissioner in addition to the other court commissioners authorized for said county.

May publish rules of practice.

SECTION 28. A liberal construction shall be given by all courts in this state to this act and to the powers herein conferred upon said municipal court and the judge thereof. The said municipal judge may, when this court shall have been in operation two years, make and publish rules of practice and procedure therein more specifically regulating the said practice and procedure than is done hereby, which shall be conformable to this act and law; and when the same shall have been approved by the presiding judge of the judicial circuit in which Dunn county may be, such rules shall have the same force and effect as the rules of practice in the circuit court.

Repealed.

SECTION 29. All acts and parts of acts conflicting with the provisions of this chapter are hereby repealed.

SECTION 30. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1889.

[No. 156, S.] [Published March 9, 1889.]

CHAPTER 64.

AN ACT to appropriate a fund for the prevention of the introduction and spread of dangerous contagious disease within the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to prevent spread of dangerous contagious diseases.

SECTION 1. There is hereby appropriated out of any moneys in the general treasury of the state not otherwise appropriated, the sum of fifteen thousand dollars, which shall be for a contingent fund which may be used under the conditions and restrictions imposed by section 2, of this act, to prevent the introduction of Asiatic cholera, small pox, or other dangerous contagious disease into this state, or for the suppression and control of such disease if the same shall be found already existent within the state.

Duties of state board respecting.

SECTION 2. Whenever the state board of health shall notify the governor that dangerous contagious disease exists within the state, or that there is imminent danger that such disease will be introduced into the state, and that in the opinion of the said board the use of a portion of the fund hereby created is necessary for the protection of the state, the governor may, in his discretion, draw from the said fund such sums as the said board may require, and the said board shall expend the amount so drawn, or as much thereof as may be necessary for the purposes mentioned in section 1, of this act. And the said board shall annually, or whenever required by the governor so to do, make and return to him an itemized account of all such expenditures; provided, that any sum not expended on the first day of February, 1891, shall revert to the general fund of the state.

When governor may draw from said fund.

Money unexpended to revert.

SECTION 3. This act shall take effect and be in force from and after the passage and publication thereof.

Approved March 8, 1889.

[No. 94, S.] [Published March 9, 1889.]

CHAPTER 65.

AN ACT to authorize the construction of a bridge across Rock river, in Jefferson county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing towns of Farmington and Watertown to construct a bridge across Rock river.

SECTION 1. The towns of Farmington and Watertown are hereby authorized to construct and maintain a free wagon bridge over and across the Rock river, on the line between section six, in Farmington, and section thirty one, in the town of Watertown, in said county, and for such purpose may erect piers, drive piles and build embankments and approaches in said Rock river and on the banks thereof necessary for the proper and convenient construction and maintenance of said bridge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1889.

[No. 394, S.] [Published March 9, 1889.]

CHAPTER 66.

AN ACT to provide for the terms of the circuit court in the first judicial circuit, and to provide for special terms therein, and to amend section 2424, of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 2424 R. S., changing time for holding court in first judicial circuit.

SECTION 1. So much of section 2424, of the revised statutes of 1878, as amended by chapter 32, of the general laws of 1879, as relates to the terms of the circuit court in the first judicial circuit, is hereby amended so as to read as follows: First circuit. In the county of Walworth, on the third Monday in February and the first Mondays in

June and October. In the county of Racine, on the second Monday in April, the fourth Monday in June and the second Monday in November. In the county of Kenosha, on the third Monday in March and the second Mondays in June and September; provided, however, that in the year 1889 the general term of said court for Kenosha county shall be held on the second Monday in May instead of the third Monday in March; and, further, provided, that no jury shall be summoned for either of the terms to be held in this circuit in the month of June, and each term in this circuit shall be a special term for the whole circuit.

Jury already drawn to be jury for April term, 1889.

SECTION 2. The jury already drawn for the March, 1889, term of the circuit court of Racine county, shall be the jury for the April term in said year, and all causes heretofore duly noticed for trial at said March term, shall be held and considered as duly noticed for trial for said April term.

Repealed.

SECTION 3. All acts or parts of acts inconsistent with this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1889.

[No. 77, A.] [Published March 11, 1889.]

CHAPTER 67.

AN ACT to ratify and legalize sewer plans in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ratifying sewer plans in city of Milwaukee.

SECTION 1. The plans of sewerage heretofore devised by the board of public works of the city of Milwaukee, as shown by the records of the board of public works, are hereby ratified and legalized.

SECTION 2. This act shall take effect and be in force from and after the date of its passage and publication.

Approved March 11, 1889.

[No. 163, A.] [Published March 11, 1889.]

CHAPTER 68.

AN ACT to amend section 3992, of chapter 170, of the revised statutes of the state of Wisconsin, entitled, "of guardians and wards."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 3992, R. S., authorizing married women to act as guardian, trustee, executrix or administratrix in any case.

SECTION 1. Section 3992, of chapter 170, of the revised statues of the state of Wisconsin, entitled, "of guardians and wards," is hereby amended so that said section shall read as follows: Section 3992. No married woman shall be disqualified by coverture from being appointed or acting as a general guardian, trustee, executrix or administratrix in any case whatsoever; and actions may be maintained upon any bond of such guardian, trustee, executrix or administratrix who shall have been so appointed, in the same manner and with the same effect as upon the bonds of other guardians, trustees, executors or administrators. Every such guardian, trustee, executrix or administratrix shall have the same powers and be subject to the same liabilities as other guardians, trustees, executors or administrators.

Repealed.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1889.

[No. 2, S.] [Published March 11, 1889.

CHAPTER 69.

AN ACT relating to street railways in the city o Eau Claire, and legalizing the ordinance hereto fore passed by the common council of said city and approved by the mayor thereof, authorizin the use of electrical or animal power on stree railways in the said city.

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

Acts of council legalized in regard to street railway.

SECTION 1. The ordinance entitled, "An ordi nance authorizing the Eau Claire Street Railwa company to operate its street railway lines in th city of Eau Claire by electrical or animal power, passed by the common council of said city an approved by the mayor thereof, on October 1 1888, and afterwards accepted by said railway com pany, is hereby declared to be valid and is hereb in all respects legalized and confirmed as an ordi nance of said city; and such ordinance may b recorded in the office of the register of deeds o Eau Claire county, and it or the record thereo shall have full force and effect, as an ordinanc of said city, and shall be received in all courts an places as sufficient evidence of all facts therei stated; and of the lawful authority of said com mon council to pass, and of the said mayor to ap prove the same, notwithstanding, the said city b its charter might not have been authorized t grant the said franchise.

SECTION 2. This act shall take effect and b in force from and after its passage and publi cation.

Approved March 11, 1889.

[No. 207, A.] [Published March 12, 1889.]

CHAPTER 70.

AN ACT to amend chapter 320, of the laws of 1887, entitled, "An act relating to public administrators, and amendatory of section 3819, of the revised statutes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3819, of the revised statutes, as amended by chapter 320, of the laws of 1887, is hereby further amended so as to read as follows: Section 3819. When any person shall die intestate, leaving property in this state, but leaving no widow or next of kin known to the county court living therein, or when any administrator of an estate, or executor of a will which has been duly proved in this state, or guardian of the estate of any minor, insane or incompetent person, within this state, shall resign his trust or refuse to act, or when upon the final settlement of an estate by the administrator thereof, or by the executor of a will, and the assignment of the residue thereof, there shall be minor, insane or mentally incompetent heirs, devisees or legatees, entitled to such estate or any part thereof, and no person interested in such estate or minor, insane or incompetent person, shall, within thirty days after such resignation or refusal to act, or within thirty days after such final settlement and assignment, apply to the proper county court for the appointment of an administrator or guardian, the county court having jurisdiction of such estate or of such minor, insane or incompetent person, or his estate, shall upon its own motion, or upon the application of the public administrator, if such court shall deem necessary, grant administration of such estate, or guardianship of the estate of such minor, insane or incompetent person, to the public administrator, and it shall thereupon be lawful for the public administrator to take possession of the property and effects of the intestate, testator or minor, or insane or incompetent person, and protect and preserve the same and to proceed with the administration of

Amending sec. 3819, R. S.

Public administrators when to act.

such estates, and with the care and managemen of the estate of such minor, insane or incompe tent person, as the case may require, until admin istration or letters of guardianship thereon shal upon proper application of some person entitle to apply therefor, be granted to some other person If such intestate, testator, or minor, insane or in competent person be a non-resident, administra tion or guardianship of his estate shall be grante to the public administrator of the county wher the property may be found. Such administratio or guardianship may be revoked at any time upon the appointment and qualification of an ad ministrator or guardian, upon application of an person lawfully entitled to apply therefor, or whe for any other cause the court shall deem it just o expedient; but such revocation shall not impai the public administrator's rights to receive fro the estate his legal charges and disbursements, t be determined by the county court. Such estate shall be administered by the public administrato in the same manner as other estates, except a otherwise provided herein.

SECTION 2. This act shall take effect and be i force from and after its passage and publication

Approved March 11, 1889.

[No. 57, S.] [Published March 11, 1889.

CHAPTER 71.

AN ACT to impose further duties upon count clerks.

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

County clerks to forward copies of proceedings of county board and reports to state historical society.

SECTION 1. It shall be the duty of the count clerks of the several counties of this state, withi thirty days after publication, to forward to th library of the State Historical society, postpaid a copy of the proceedings of the county board o their respective counties. And also, within thirt days after publication, to forward to such librar

copies of any other printed reports made under the direction of the board of supervisors or other county officials.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1889.

[No. 13, A.] [Published March 11, 1889.]

CHAPTER 72.

AN ACT to repeal section 4, of chapter 133, of the laws of 1880, amending the charter of the Evansville Seminary, and the several acts amendatory thereof, and to re-enact and restore section 11, of said charter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4, of chapter 133, of the laws of 1880, is hereby repealed. Repealing sec. 4, chapter 133, laws of 1880.

SECTION 2. Section 11, of the charter of the Evansville Seminary is hereby re-enacted and restored. Re-enacting sec. 11 (ch. 272 P. and L., 1870).

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1889.

[No. 199, A.] [Published March 12, 1889.]

CHAPTER 73.

AN ACT to authorize the common council of the city of Milwaukee to appropriate to the assessors of the fifteenth, fourth, fourteenth, eighteenth and seventeenth wards of the city of Milwaukee certain sums of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee is hereby authorized to audit, allow

Authorizing certain appropriations to assessors 4th., 14th, 15th, 17th., 18th wards of the city of Milwaukee.

and pay, in the same manner that other accounts and claims against the city are audited, allowed and paid, to each of the assessors of the fifteenth, fourth, fourteenth, eighteenth and seventeenth wards of the city of Milwaukee, for the year 1887, such sums of money as will constitute the balance of salary, as provided for in the charter of the city of Milwaukee, so that said assessors of the fifteenth, fourth, fourteenth, eighteenth and seventeenth wards will each have received the full year's salary, the same as received by the other assessors of said city.

Repealed.

SECTION 2. All sections or parts of sections, so far as they may be construed to conflict with the provisions of this act, are hereby repealed as for the purposes of this act.

SECTION 3. This act shall take affect and be in force from and after its passage and publication.

Approved March 11, 1889.

[No. 41, S] [Published March 12, 1889.]

CHAPTER 74.

AN ACT to perfect the title of the state of Wisconsin and its grantees in the lands heretofore conveyed by the county of Marathon to said state, in satisfaction of indebtedness due from said county to said state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attorney-general to prepare deed, and have same executed by county clerk.

SECTION 1. It shall be the duty of the attorney general of this state to immediately prepare a deed without covenants, in which Marathon county shall be grantor and the state of Wisconsin grantee, conveying the lands described in a certain deed executed by the county clerk of said county to said state, upon the third day of June, 1887, and which deed was executed for the purpose of conveying the lands therein described to said state, in satisfaction of certain indebtedness due from said county to said state. It shall be sufficient in said

deed to describe said lands by a reference to the book and pages where said former deed is of record in the office of the register of deeds of said county. The attorney-general shall immediately cause such deed to be presented to the county clerk of Marathon county, and a demand to be made upon said clerk that he shall execute the same for said county.

SECTION 2. It shall be the duty of the said county clerk, upon the demand of the attorney-general, to execute such deed as county clerk, and acknowledge and deliver the same to said attorney-general, who shall cause the same to be recorded in the office of the register of deeds of said county.

County clerk to execute record.

SECTION 3. Such new deed when executed, shall pass to the state of Wisconsin such, and only such, legal and equitable titles not already vested in said state by the former deed, as the county of Marathon had in the lands therein described, or any of them, at the date of the former deed, and all titles legal or equitable, which may have since then accrued to said county, for any of said lands, through tax sales made prior to the date of said former deed. And the title so vested by such new deed shall relate to and take effect from the date of said former deed, and shall carry with it and vest in the state of Wisconsin, or in its grantees, as the case may be, and all persons claiming through or under such grantees, all claims, demands, and causes of action against any person for injuries done to the lands therein described, between the date of said former deed and the taking effect of this act.

What to pass to state by deed.

SECTION 4. No action shall be brought by the former owners, or by any person claiming through or under them, to recover from the state of Wisconsin, or from any person claiming through or under said state, any of the lands described in the deed mentioned in section 1, of this act, nor to avoid or annul such deed, nor to recover from the state of Wisconsin or its grantees or those claiming under such grantees any damages for or on account of any such lands, or for or on account of any injury thereto, unless such action shall be brought within nine months after the recording of said deed; provided, that this act shall not

Actions not to be brought.

and does not confer any new right of action nor revive any right of action already barred or lost.

Titles to enure to grantee.

SECTION 5. All titles which shall accrue to the state of Wisconsin under the provisions of this act shall enure to the grantees of said state, as of the date when the same were conveyed by the state to such grantees; and all titles which have accrued to said state through tax deeds taken pursuant to chapter 301, of the general laws of 1885, shall enure to the grantees of said state, as of the date when such titles accrued to the state; and the grantees of the state, and those claiming under or through such grantees, shall be deemed to have been vested with such titles from said dates as fully as if the state had been vested with such titles, at the times when it conveyed the same to such grantees.

SECTION 6. This act shall take effect from and after its passage and publication.

Approved March 11, 1889.

[No. 209, A.] [Published March 13, 1889.]

CHAPTER 75.

AN ACT to appropriate a certain sum of money therein named to the Wisconsin Industrial School for Girls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for 1889 and 1890 to Wisconsin Industrial School for Girls, $5,000.

SECTION 1. The sum of five thousand dollars is hereby appropriated to the Wisconsin Industrial School for Girls, to be expended by and under the direction of the board of managers, for necessary improvements of the buildings belonging to the state of Wisconsin and occupied by said school at North Point, in the city of Milwaukee, and for necessary repairs of said buildings during the ensuing two years, to-wit: The years 1889 and 1890.

SECTION 2. A correct account shall be kept of the expenditure of said sum, and the same shall

be reported to the governor and legislature in the annual report or reports of said school.

SECTION 3. This act shall take effect upon its passage and publication.

Approved March 11, 1889.

[No. 281, A.] [Published March 13, 1889.]

CHAPTER 76.

AN ACT to amend section 1, of chapter 369, of the laws of 1887, entitled, "An act to fix the amount chargeable for the maintenance of insane persons in county asylums."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 1, ch. 369, laws 1887, maintenance of insane persons in asylums.

SECTION 1. Section 1, of said chapter is hereby amended by striking out the words, "state or," in the eleventh line of said section and by striking out the words, "hospital or," in the nineteenth and the thirty-third lines of said section, so that said section when so amended, shall read as follows: Section 12, of chapter 233, laws of 1881, is hereby amended by adding to the end thereof the following: Provided always, that no charges be made in any case, where, in the discretion of the court, a parent, wife or child is dependent on such property for future support, and that in no case such amount so paid, exceed the sum of three dollars per person per week, so that said section when so amended shall read as follows: Section 12. The property and estate of any insane person, kept in any county asylum, or kept by any county at public charge under the provisions of this act, shall be liable for his support and maintenance, and chargeable for the payment thereof, and upon failure of the person or persons having the charge or custody of such property or estate, to pay therefrom for such support and maintenance, the board of trustees of the asylum, or the chairman of the board of supervisors of the county furnishing such support,

may apply to the county judge of the proper county to compel such payment. In cases arising under the provisions of this section such county judge shall have the jurisdiction and authority conferred by chapter 63, of the revised statutes, and shall exercise such jurisdiction and authority in the manner provided by said chapter, and he may enforce obedience to his orders by proceedings as for a contempt. If any order or orders made by such judge requiring such payment shall not be complied with, either of the officers in this section designated, to wit: Such board of trustees of any asylum, or the chairman of the board of supervisors of any county, may recover in an action against the person or persons having the charge or custody of such property or estate, brought in the circuit court against him or them in his or their representative character, the amount directed to be paid by such order or orders, and any judgment so recovered may be satisfied out of such property or estate; such court may in its discretion, direct that the costs in said action, if the plaintiff recovers judgment, be paid out of such property or estate or by the person or persons having the charge or custody thereof; provided always, that no charges be made in any case, where, in the discretion of the court, a parent, wife or child is dependent on such property for future support, and that in no case such amount so paid exceed the sum of three dollars per person per week.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1889.

[No. 152, A.] [Published March 13, 1889.]

CHAPTER 77.

AN ACT to authorize the Freeman and Fellows' Lumber company, a corporation of the state of Wisconsin, to improve and make navigable Four Mile Creek, in Marathon county, Wisconsin, for logs and timber.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing Freeman & Fellows Lumber Co. et al. to improve Four Mile creek, Marathon county.

SECTION 1. For the purpose of improving the navigation of Four Mile creek in the county of Marathon, state of Wisconsin, for the running, driving and rafting of logs, timber and lumber, the Freeman and Fellows Lumber company, a corporation of the state of Wisconsin, with headquarters at Mosinee, Wisconsin, and its successors and assigns, is hereby authorized to enter upon said stream, clear the channel of the same and erect such dams, booms, piers or other works as may be necessary to make said stream navigable for logs, timber and lumber.

Dams to have sluices, etc.

SECTION 2. All dams and other works built or placed in said stream under this act shall be constructed with sluices or passage ways of sufficient width and of such a character as to permit and facilitate the passing and running of logs, timber and lumber down said stream.

May remove obstructions in stream.

SECTION 3. The said Freeman and Fellows Lumber company shall have the right to remove rocks, stumps, fallen timber, or other obstructions, in the improvement of said stream, and to straighten such stream wherever the same may be necessary to facilitate the driving of logs and timber down the same, and shall operate such improvements and dams or other works for the purpose of driving and running logs and timber down said stream.

May charge and collect tolls.

SECTION 4. When the said corporation shall have taken possession of said stream, and shall have improved it so as to make it reasonably certain that logs and timber can be driven and floated down the same, it may charge and collect for the use of said dams and improvements, the

sum of ten cents per thousand feet board measure for all logs and timber put into said Four Mile creek as toll, on all such logs and timber so designed and intended to be floated or driven down the same.

To be a lien.

SECTION 5. All tolls authorized by this act shall be a lien upon all logs or timber so driven, run or floated down said stream, which lien may be enforced against said logs or timber in the same manner as liens for work and labor in cutting, hauling or manufacturing logs or timber.

Right reserved.

SECTION 6. The legislature hereby reserves the right to alter, amend or repeal this act.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1889.

[No. 255, A.] [Published March 13, 1889.]

CHAPTER 78.

AN ACT providing for a deputy coroner in counties having a population exceeding one hundred and fifty thousand inhabitants.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Deputy coroner may be appointed in counties of 150,000; salary.

SECTION 1. The coroner of every county in the state having a population of over one hundred and fifty thousand inhabitants is hereby authorized to appoint, subject to the confirmation of the county board, a deputy coroner, who shall assist him in the performance of his duties as the coroner may direct; the said deputy coroner shall receive a salary to be fixed by the county board at the time of his appointment and confirmation not less than nine hundred dollars and not to exceed one thousand dollars per annum, with the discretion of the county board; and it shall be the duty of the proper county officers to pay to said deputy coroner the said compensation fixed by the said county board in equal monthly installments at the end of each and every month during his term of

office. Said deputy coroner shall be required to give no bond and the said coroner shall be responsible for his official acts.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. Repeal.

SECTION 3. This act shall take effect from and after the time of its passage and publication.

Approved March 11, 1889.

[No. 240, A.] [Published March 13, 1889.]

CHAPTER 79.

AN ACT to legalize the acts of the First Baptist Church and Society of Lincoln, and to constitute said body a legally organized body, and to change the name of said society to the First Baptist Church and Society of Whitehall.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whereas, certain persons did on the 12th day of July, 1866, at the town of Lincoln, in the county of Trempealeau, attempt to organize a religious society to be known as the First Baptist Church and Society of Lincoln, but failed to record the certificate of such organization as required by law; and whereas, said society, under the above name in said town and county, has ever since continued to act as a religious corporation duly organized; therefore, it is hereby declared that all official acts of the officers of the above named society shall be valid and binding in all respects, as if said society had complied with the law relating to the organization of religious societies in every particular. Legalizing acts of First Baptist church and Society of Lincoln and to change name.

SECTION 2. This act shall be recorded at the expense of the above named society in the office of the register of deeds, in the record book kept by him for recording the certificates of the organization of religious societies, and shall in every instance be taken as complete evidence of the legal This act to be recorded in register of deeds office; effect; how hereafter known.

organization of said society of the 12th day of July, 1866.

SECTION 3. The above named society shall, after the passage of this act, be known as the First Baptist Church and Society of Whitehall.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1889.

[No. 220, A.] [Published March 14, 1889.]

CHAPTER 80.

AN ACT to amend the charter of the city of Richland Center.

(See Vol. 2.)

[No. 219, A.] [Published March 13, 1889.]

CHAPTER 81.

AN ACT to amend the charter of the city of Richland Center.

(See Vol. 2.)

[No. 40, A] [Published March 13, 1889.]

CHAPTER 82.

AN ACT to authorize John Edwards and Walter A. Scott to raise, build and maintain a certain dam across the Wisconsin river, on lots four and five, section twenty-five, township twenty-two north, range five east, and certain booms and piers in connection therewith.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John Edwards and Walter A. Scott, their associates and assigns, are hereby authorized to raise, build and maintain a certain dam across the Wisconsin river, running across said river from lot number four to lot number five, in section twenty-five, in township twenty-two north, of range five east, to a height not exceeding six feet, being the same dam built across said river on said lots in the years 1859 and 1860, and since maintained by said Edwards and Scott and those under whom they claim; provided, said dam shall be so constructed and maintained as not to obstruct the running of lumber, logs or timber down said river; and provided, further, that a slide shall be constructed and maintained in said dam at least two feet below the general height thereof and at least forty feet in width, in the manner provided by law. John Edwards et al., authorized to dam Wisconsin river.

SECTION 2. The building of said dam in 1859 and 1860, and the maintenance thereof to the present time, by said Edwards and Scott and those under whom they claim, is as between the state and said Edwards and Scott hereby validated and legalized. How built.

SECTION 3. Said Edwards and Scott, their associates and assigns, are hereby authorized to use the water power created by said dam and to sell or lease the right to use such water power or any part thereof to any person or persons whomsoever; and to maintain and keep in said river all piers and booms used in connection with said dam which they or those under whom they claim have heretofore built and maintained in said river on lots four, five, six, seven and eight, in section twenty- Powers granted.

five, township twenty-two north, of range five east; provided, such piers and booms shall be so built and operated as not to obstruct the running of lumber, logs or timber down said river.

Right reserved.

SECTION 4. The legislature reserves the right to alter, amend or repeal this act, whenever in its judgment the public interest may require it.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1889.

[No. 9, A.] [Published March 14, 1889.]

CHAPTER 83.

AN ACT to authorize Leroy Herrick and A. M. Sherman and their associates and assigns to improve Squaw creek, in the county of Oneida, Wisconsin, for log driving purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Leroy Herrick et al., authorized to improve Squaw Creek, in Oneida county.

SECTION 1. For the purpose of improving Squaw creek, a tributary of, and stream emptying into, Pike or Round lake, in the county of Oneida and state of Wisconsin, so as to facilitate and improve the driving and floating of saw logs and timber in and down the same from Squaw lake to Pike lake aforesaid, Leroy Herrick and A. M. Sherman and their associates and assigns are hereby authorized and empowered to improve said Squaw creek by building and maintaining a dam across the same on the northwest quarter of the southeast quarter of section twenty-eight, in township forty north, of range four east, in said county of Oneida, and by clearing and straightening channels, closing sloughs, driving piles and constructing and placing booms therein, and otherwise, so as to improve said creek for floating and driving saw logs and timber in and down the same, and keep said improvements in repair, and at all times operate the same for the driving and floating of all logs and timber that may be put in said Squaw creek

for the purpose of being driven and floated down and out of said creek and through said Pike lake, and over Pike lake dam into the south fork of Flambeau river.

SECTION 2. Whenever the said Leroy Herrick and A. M. Sherman and their associates or assigns shall, with the aid of their improvements heretofore made by them thereon, have so improved said Squaw creek so as to render the floating and driving of logs and timber down said creek and through Pike lake and over the dam into said south fork of the Flambeau river aforesaid, reasonably practicable and certain, and shall maintain and operate the same, so that logs and timber can be so floated and driven down said creek with reasonable certainty, on such freshets and with such rises of water as are necessary to float and drive logs in connection with the aforesaid improvements, the said Leroy Herrick, A. M. Sherman, their associates or assigns, in consideration of such improvements and the facilities obtained thereby, shall be and hereby are authorized to charge, and shall be entitled to collect and receive of any and all persons owning or controlling logs and timber, or either thereof in said Squaw creek, ten cents per thousand feet board measure, for all logs and timber put into said Squaw creek, as toll, on all such logs and timber so designed and intended to be floated or driven down the same. May collect toll, when.

SECTION 3. Whenever the said Leroy Herrick and A. M. Sherman and their associates or assigns shall have so improved said Squaw creek as aforesaid, as provided in the preceding sections, they shall be and hereby are authorized to take possession of all logs and timber put into said creek to be floated or driven down the same, the owners or persons in control of which shall not have made adequate provisions for driving the same, or which may be in the way of the main drive on said creek, and to drive the same down said Squaw creek to or into the south fork of the Flambeau river aforesaid, and shall be and hereby are authorized to charge and entitled to collect and receive of the owners of such logs or timber, sixty-two and one-half cents per thousand feet, board measure, inclusive of the charge for tolls levied before provided for, for all of such logs or Additional toll.

timber so driven down and out of said Squaw creek to or into said south fork of said Flambeau river.

Toll to be a lien.

SECTION 4. For all such charges for toll or otherwise on account of such improvements, and for driving any logs or timber under the provisions of this act, the said Leroy Herrick and A. M. Sherman and their associates and assigns, may, and shall have, and the same shall be, a lien upon all such logs and timber as may be put in said Squaw creek, to be floated or driven down said creek, or that may be driven down said creek by the said Leroy Herrick and A. M. Sherman, their associates or assigns; and such liens, whether for tolls or driving, or both, may be enforced in the same manner in every respect as other liens for labor or services on logs or timber is, or can, or may be enforced under or pursuant to chapter 143, of the revised statutes of this state for the year 1878, and the acts amendatory thereof.

Right reserved.

SECTION 5. The legislature reserves the right to alter, amend or repeal this act whenever in its judgment the public interest may require it.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1889.

[No. 70, S.] [Published March 13, 1889.]

CHAPTER 84.

AN ACT to amend chapter 42, of the revised statutes, entitled, "Of resignations, vacancies and removals from office."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 42 R. S. 976a, special election to fill vacancy in any elective village ward or city office.

SECTION 1. Chapter 42, of the revised statutes of the state of Wisconsin, is hereby amended by adding at the end thereof, the following section: Section 976a. Whenever a vacancy shall have existed for the term of ten days in any elective village, ward or city office, without being filled as

provided by law, such vacancy may be filled by election in such town, village, ward or city. Such special election shall be called, and not less than six days' notice thereof given by the town, village or city clerk, upon the written request of ten freeholders of such town, village, ward or city, and shall be held within ten days after such request is made. In case of a vacancy in the office of clerk, or of his inability or refusal to call such special election, the same may be called and noticed by any other elective town, village, ward or city officer.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1889.

[No. 3, S.] [Published March 15, 1889.]

CHAPTER 85.

AN ACT to authorize the city of Green Bay to maintain a free public library.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing city of Green Bay to maintain a free library.

SECTION 1. The city of Green Bay is hereby authorized and empowered to accept from Rufus B. Kellogg, the holder and owner of fifteen thousand dollars of its outstanding bonds, the surrender of said bonds without payment, in consideration of said city, for fifty years, annually raising a tax of not less than nine hundred dollars per year for its library fund; and the common council of said city is hereby authorized and empowered to pass an ordinance for the annual levy of such tax, for the period of fifty years, which ordinance, upon the surrender of said bonds to said city for cancellation, shall be and become irrevocable and irrepealable, but shall not prevent said city from annually or at any time levying an additional tax for the library fund.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1889.

[No. 259, S.] [Published March 15, 1889.]

CHAPTER 86.

AN ACT to amend the charter of the city of Baraboo.

(See Vol. 2.)

[No. 215, S.] [Published March 15, 1889.]

CHAPTER 87.

AN ACT to declare a portion of Dell river or Dell creek, in Sauk county, navigable.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Declaring portion of Dell creek, Sauk county, navigable.

SECTION 1. That portion of the waters of Dell river, or Dell creek, in Sauk county, above the dam, located on the northeast quarter of section twenty-one, township number thirteen north, range six east, and running through sections number twenty-one, twenty, twenty-nine, thirty and thirty-one of said township number thirteen north, range six east, and section number thirty-six in township number thirteen north, range five east, are hereby declared navigable, and a public highway, including all waters known as "Mirror lake."

Certain rights not impaired.

SECTION 2. This act shall not be construed to in any manner impair the right to maintain the dams now existing on said stream mentioned in section 1.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1889.

[No. 365, A.] [Published March 15, 1889.]

CHAPTER 88.

AN ACT to pay to Albert L. Gray a sum of money therein named.

The people of the state of Wisconssn, represented in senate and assembly, do enact as follows:

Appropriation to Albert L. Gray.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of eight hundred and forty-six and seventy-seven one-hundredth dollars to Albert L. Gray, of Fort Howard, to reimburse him for the necessary expense incurred by him in defending his claim and title to his seat in the assembly for the present legislative term against Andrew E. Elmore, contestant therefor.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1889.

[No. 2, A.] [Published March 15, 1889.]

CHAPTER 89.

AN ACT to amend chapter 381, of the laws of 1885, relating to the municipal court of the county of Chippewa.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 381, laws 1885, municipal court Chippewa county.

SECTION 1. Subsection 8, of section 1, of chapter 381, of the laws of 1885, relating to the municipal court of the county of Chippewa, is hereby amended by striking out said subsection and inserting in lieu thereof, the following: Subsection 8. In case of the absence, sickness or disability of said municipal judge he may, by order in writing to be filed in said court, appoint a justice of

the peace of said county to discharge the duties of said judge, during such absence, sickness or disability, who shall have all the powers of said judge while administering such office.

SECTION 2. This act shall take effect and be in force on and after its passage and publication.

Approved March 13, 1889.

[No. 539, A.] [Published March 15, 1889.]

CHAPTER 90.

AN ACT to authorize the Appleton Cemetery Association to remove the dead from the old burying ground in the city of Appleton, to the new cemetery in said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing removal of dead from Appleton Cemetery.

SECTION 1. The trustees of the Appleton Cemetery Association, of the city of Appleton, in the county of Outagamie, state of Wisconsin, are hereby authorized to remove the dead from the old burying ground to the new cemetery, in said city.

Expenses, how paid.

SECTION 2. The city of Appleton is hereby authorized to pay the expenses of the removal of the dead mentioned in the preceding section, and to aid said trustees in carrying out the provisions of said section in a manner to be agreed on between the city of Appleton and said trustees.

Grounds may be sold.

SECTION 3. The trustees are hereby authorized to sell and convey the grounds of the old Appleton Cemetery, in the city of Appleton, county of Outagamie, state of Wisconsin.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1889.

[No. 258, A.] [Published March 15, 1889.]

CHAPTER 91.

AN ACT to appropriate a sum of money to the persons therein named for expenses incurred as legislative visiting committee to state institutions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for expenses incurred as visiting committee of the legislature for 1889 to state institutions, to Edward I. Kidd, H. E. Legler and Fred. C. Schuler, the sum of one hundred dollars each.

Appropriation to Edward I. Kidd, H. E. Legler and Fred C. Schuler, legislative visiting committee.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1889.

[No. 699, A.] [Published March 15, 1889.]

CHAPTER 92.

AN ACT to authorize the city of Chilton to readjust certain of its corporate debts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The mayor and common council of the city of Chilton are hereby authorized and empowered to provide by ordinance or resolution for the issue of new bonds for readjusting, funding or exchanging of any of the existing indebtedness of said city, consisting of that portion of the bonds of the town of Chilton the payment of which has been assumed by said city of Chilton, o wit: Bonds of said town of Chilton numbers

City of Chilton authorized to readjust certain debts.

May issue bonds.

one to thirteen, inclusive, all of the denomination of two hundred dollars, and the bonds of said town numbers fifty-one to sixty, inclusive, all of the denomination of five hundred dollars, and all being of the amount of seven thousand six hundred dollars, as such above named town bonds shall mature or shall be offered for exchange or redemption, but in such manner and amounts that the aggregate principal of the bonded indebtedness of said city shall not be increased to exceed said sum of seven thousand six hundred dollars.

How issued and payable.

SECTION 2. The bonds provided for and issued under this act shall be numbered consecutively from one upwards in the order of their issue; shall be signed by the mayor and the city clerk and sealed with the corporate seal of said city; shall bear interest at a rate not exceeding six per cent. per annum, payable either annually or semi-annually as may be provided, and shall have coupons attached for such interest payments. The bonds and coupons shall be made payable at such time or times as the common council may provide, not exceeding twenty years from their respective dates, and at such place in the city of New York, the city of Milwaukee, Wisconsin, or the said city of Chilton as may be designated therein, and shall be of sums of one hundred dollars or some multiple thereof.

When issued.

SECTION 3. Such bonds herein authorized shall be issued only in exchange for such outstanding town bonds above mentioned as the same mature or offered for exchange or redemption, or may be issued and sold for not less than their face value and the proceeds applied for the discharge of the principal of such outstanding bonds at a par value of each, but the bonds herein authorized or any part thereof, shall not be sold unless an equal amount of the principal of said outstanding town bonds shall then be payable or offered for redemption and be thereupon simultaneously redeemed.

May levy tax to pay bonds.

SECTION 4. The common council shall annually levy and raise a tax sufficient to pay the interest upon all the outstanding bonds of said city as the same become payable. All moneys received from the collection of taxes for such purposes shall be strictly kept as a special fund and paid out only for the payment of such interest.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1889.

[No. 314, A.] [Published March 16, 1889.]

CHAPTER 93.

AN ACT to amend the charter of the city of Chilton.

[See Vol. 2.]

[No. 10, S.] [Published March 15, 1889.]

CHAPTER 94.

AN ACT to create the municipal court of the city and county of Ashland.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Creating municipal court for Ashland county.

SECTION 1. A municipal court for the city and county of Ashland is hereby established, under the name of the municipal court for Ashland county. The same shall be a court of record, have a clerk, and a seal with a suitable device, to be procured under the direction of the judge thereof at the expense of the city of Ashland. Said court may exercise powers and jurisdiction equal to, and concurrent with, the circuit court of Ashland county, in all cases of crimes and misdemeanors arising in said county, except murder and rape. Such jurisdiction includes the right to try and determine all appeals in civil or criminal cases from justices of the peace, or police justices of said county. No justice of the peace, police justice or court commissioner within said city of Ashland,

Powers and jurisdiction of judge.

shall exercise any jurisdiction in criminal or bastardy cases, but all such jurisdiction is vested in the judge of said court; and all examinations, recognizances and commitments from said judge, justices of the peace and police justices of said county, in criminal cases (except murder and rape), and in bastardy cases, shall be certified and returned to said municipal court instead of said circuit court, at least five days before the time fixed for the appearance of the accused; and the accused shall, and all witnesses required to attend may be committed to be brought or recognized to appear before said municipal court, on a day certain, not more than thirty days from the date of said commitment or recognizance. Said court shall have jurisdiction to try and determine all appeals in civil and criminal cases from justices of the peace and police justices in said county, and in all cases removed from said justices' or police courts on account of the title to lands coming in question, and all such cases shall be certified and returned to said municipal court instead of the circuit court of said county, within ten days after the perfection of the appeal, in appealed cases, or the joining of issue, in other cases; provided, that in civil cases appealable from justices' and police justices' judgments, the party appealing may, at his option, appeal to the circuit court for Ashland county instead of to said municipal court. Civil cases appealed or certified to said court shall stand for trial at the next regular term of said court after the filing of the papers in such cases in said court without notice, when such terms shall be held as hereinafter provided and when such terms are not held, either party may bring any such case to trial at any time after the filing of the papers in such case, by thereafter giving the opposite party ten days' notice in writing of the day on which said case will be moved for trial; and when said notice shall be given by a party, the opposite party may move such case on the day named, without having given a notice; such notice may be served upon a party or his attorney, if an attorney of record shall have appeared in a justice court or in said municipal court in such cases, in the same manner as now provided by law for serving no-

tices of trial in circuit courts. When any such case is continued for any cause, it shall be to the next term of said court, when terms are held, and when not, to a time so fixed by said court, and when any such case has been continued it need not again be noticed for trial. Transcripts of all judgments rendered in said court shall, immediately after the entry of such judgments, be filed by the clerk of said court, in the office of the clerk of the circuit court of Ashland county, and shall be docketed by said clerk of the circuit court, who shall receive the same fees therefor as provided by law in other cases, and such transcripts of judgments so filed and docketed, shall have the same force and effect as constituting a lien upon real estate that judgments rendered and docketed in said circuit court have by law, and be carried into execution, both as to the principal judgment debtor and his surety, if any, in the same manner and with like effect as the judgment of said circuit court. The judgments of said municipal court, in criminal cases tried upon information, bastardy cases, and in all cases not originally commenced in said court, may be reviewed by the supreme court in the same manner as like judgments of the circuit court may be, and all judgments originally rendered by said court, or the judge thereof, in criminal cases of which justices of the peace have jurisdiction, and in all other cases originally commenced in said court except on information, may be appealed to and tried by the circuit court for said Ashland county, in the same manner as like judgments rendered by justices of the peace.

General rules of law and practice relative to circuit courts, etc., to be in force in said court.

SECTION 2. The general provisions of law which shall at any time be in force relative to circuit courts, and actions and proceedings therein shall relate also to said municipal court, unless inapplicable, and the rules of practice prescribed by the justices of the supreme court for circuit courts shall be in force in said municipal court, and its rules of practice and proceedings shall conform as nearly as practicable to the rules and practice of circuit courts, but in case of the change in the place of trial of any cause not originally commenced in said court, or of any criminal case begun by information or of any bastardy case certified to said court, said case shall be removed to

the circuit court for Ashland county, unless such change is taken on the ground of prejudice of the people of said county, in which case the place of trial shall be changed to the circuit court of an adjoining county within this state. Said court shall have power and authority to issue all process necessary to carry into effect its jurisdiction; which process shall in substance be the same, when applicable, as used in circuit courts or shall be as directed by the judge thereof. Process issued by said court, its judge or clerk in criminal cases, or in civil cases not originally commenced in said court may be executed in any part of the state by the officer to whom it is addressed. All informations for criminal offenses, except murder and rape, committed in said county of Ashland, shall be filed in said municipal court by the district attorney of said county at the next term at which the same may be triable, if terms are held as hereinafter provided, and if not before the day fixed for the trial thereof, it shall be the duty of said district attorney to prosecute all criminal actions in said court in which the state is a party. The sheriff of Ashland county and his deputies shall be officers of said court, and may execute all process, sentences and judgments thereof.

Criminal jurisdiction.

SECTION 3. The municipal judge of said court in addition to the powers vested in the municipal court as aforesaid, is vested with all the powers and jurisdiction of a justice of the peace in said county, in criminal actions and proceedings, and jurisdiction of all prosecutions for the breach of any ordinance or by-law of the city of Ashland and also with all the powers and jurisdiction of justices of the peace in said county in civil actions and proceedings; and also power to hear and determine any such case, although the title to land may come in question therein, and said municipal court, and the judge thereof shall have power and jurisdiction concurrent with the circuit court of Ashland county, of all classes of actions and proceedings now cognizable by or before justices of the peace in said county, where the value of the property in controversy or the amount of money claimed or sought to be recovered, after deducting all claims and set-offs, shall not exceed five hundred dollars, and to exercise

such jurisdiction, shall hold the municipal court as courts are held by justices of the peace. The general provisions of law relative to civil and criminal actions before justices of the peace, shall apply to said municipal court so far as applicable, and shall so apply when the value of the property in controversy or the amount of money or damages claimed or sought to be recovered exceeds two hundred dollars, except that no change of venue shall be taken from said court in any civil case originally commenced in said court, or in any criminal or bastardy examination, or criminal trial, except cases tried upon information as hereinbefore provided. Said court shall not have jurisdiction to try actions in ejectment. In all actions brought in said municipal court, where an attachment shall be issued upon an affidavit made by or on behalf of the plaintiff, and the debt or demand mentioned in such affidavit exceeds the sum of two hundred dollars, such attachment shall be issued in the manner provided in chapter 124, of the revised statutes, entitled, "of attachments," and all the provisions of said chapter 124, shall be applicable to any such attachment in said court. Appeals in cases removed from the municipal court shall be taken to the circuit court of Ashland county instead of said municipal court. Whenever in any case commenced in any of the justice or police courts of said county, a plea of title to land shall be interposed in such manner as to entitle the defendant to a removal of such case, the same shall be certified to said municipal court instead of the circuit court, in the same manner as such cases are now required to be certified to the circuit court; and said municipal court shall have full power and authority to hear, try and determine the same in the same manner as cases brought to said court on appeal. The city marshal of the city of Ashland, constables of said county, and other officers having the same power and authority as constables of said county, shall be officers of said court, with the same powers and duties as are or shall be conferred upon them by the laws of this state in reference to justice or police courts, in cases wherein said court or the judge thereof exercises original jurisdiction in civil actions, and in all criminal cases and examinations, including ex-

aminations in bastardy cases, except appeal case and cases in which informations have been filed and such officers shall receive the same fee for such services as if performed in justice court. Appeals from judgments rendered i said court in civil and criminal actions originall commenced in said court, except cases com menced by information and bastardy cases, ma be taken to the circuit court in the same man ner as appeals from justices of the peace an police justices in similar actions. The judg of said court shall open court each mornin Sundays and legal holidays excepted, and hea and dispose of, in a summary manner, all case which shall be brought before him for violation of by-laws or ordinances of said city; and in a such cases the city attorney shall be the prosecu ing officer. All provisions in the charter and or dinances of said city relating to the police court to justices' courts, or to criminal prosecution shall be held applicable to said municipal cour The judge of said court shall have the same powe to solemnize marriages, take acknowledgment and depositions, and administer oaths, as a justic of the peace, and shall receive like fees therefo The judge of said court may, in his discretion, sum mon witnesses before him and examine them o oath for the purpose of determining whether warrant should be issued, and witnesses so sum moned shall be compelled to attend before hi and answer all pertinent questions relative to th subject of inquiry, and shall be subject to punish ment for contempt for refusal to attend an answer.

Judge to be elected.

SECTION 4. The qualified voters of the count of Ashland, shall, on the first Tuesday in Apri 1889, and on the first Tuesday of April ever fourth year thereafter, elect a suitable person t the office of judge of said municipal court, to b called municipal judge, who shall hold his offic for the term of four years from the first Monda in January next succeeding his election, and unt his successor shall be elected and qualified, an who may be removed from office in the manne provided in the constitution of Wisconsin for th removal of judges of the circuit and of the su preme court. Whenever a vacancy shall happe in the office of said judge, the governor shall fi

such vacancy by appointment. The person so appointed shall hold the office until his successor shall be elected and qualified. Elections to fill the vacancy for the residue of the term only, shall be held in the manner provided in section 88, of the revised statutes for other judges, and notice thereof shall be given by the county clerk of said county in the same manner as for elections of county judges. All such elections shall be held and conducted, and the votes cast thereat shall be returned and canvassed, and a certificate shall be given in all respects as provided by law in case of the election of county judges. Said judge, before entering upon the duties of his office, shall take and subscribe the oath of office prescribed by the constitution, which oath shall be filed in the office of the clerk of said city and a duplicate thereof in the office of the clerk of the circuit court of said county. Said judge may, by an order in writing to be filed in said court, appoint any justice of the peace of said county or the county judge thereof, to discharge the duties of such judge during his absence, sickness, or other temporary disability. The appointee shall have all the powers of such judge while administering such office, except the power to try cases begun by information and cases not originally begun in said court. The order appointing any such county judge or justice of the peace may be revoked by said judge at any time.

When justice may act as judge, powers.

SECTION 5. Said judge shall appoint in writing a clerk of said court, who before entering upon his duties, shall take and subscribe the oath of office prescribed in the constitution, which appointment and oath shall be filed in the office of the clerk of said city, and a duplicate thereof in the office of the clerk of the circuit court of said county. He shall make and keep the records of said court and perform all ministerial acts required of him by, and under the direction of, the judge. He shall have power to administer oaths and take bail, in the absence of the judge and subject to his revision. He may examine on oath all persons applying for warrants, reduce such examination to writing and file the same, and issue all warrants and other process from said court. He shall procure, under the direction of said judge, all necessary record books, blanks,

Judge to appoint clerk, powers, duties.

stationery, lights and fuel for said court at th expense of said city, subject to the approval the common council of said city. Said judg may also appoint a phonographic reporte skilled in the art of short-hand reporting, for sa court, and may remove him at pleasure and ap point another in his place. Every person so ap pointed shall be deemed an officer of said cou and shall before entering on the duties of his o fice, take and subscribe the constitutional oat and file the same, duly certified, with the cler of said court. The reporter shall attend sai court whenever requested by the judge, and pe form such duties as the judge may require. H shall be allowed such compensation as shall b fixed by the judge, not exceeding five dollars day for each day's actual attendance, or two do lars and fifty cents for each half day's attendanc on the court; which shall be certified, audite and paid in the manner provided by law for pay ment of the sheriff for attending the circu court. Section 2439, of the revised statutes sha apply to such reporter and said court, and se tion 4141, of the revised statutes shall apply t transcribed copies of the testimony and procee ings taken by the reporter in said municip court.

May appoint phonographic reporter, powers, duties, salary, how paid.

Court to be held in city of Ashland.

SECTION 6. Said municipal court shall be hel at the city of Ashland in a suitable place to b provided and furnished by said city. All fin and penalties collected in criminal cases in whic the state is a party shall be immediately paid b the judge to the treasurer of said city, an shall be by him annually accounted for and pai over to the treasurer of the county of Ashland a the time of paying over the county taxes. A fines collected in city prosecutions shall be imm diately paid by the judge to the treasurer of sai city. At the time of such payment to the count treasurer, the county shall pay to the city tw thirds of all sums paid by the latter for reco books, blanks, stationery, rent, office furnitur lights, fuel, and all other expenses of such cour

Judge to pay over fines in criminal cases.

May hold terms.

SECTION 7. Said judge may, if he deems it bes by order in writing filed in said court, direct term to be held for the trial of offenses on which info mation may be filed, and of bastardy cases and all other cases not originally commenced in sai

court, not exceeding four in any one year. When such terms are ordered, the clerk of said court, in the presence of the judge, at least three days before such term, shall draw from the list of persons selected as hereinafter provided, to serve as jurors therein, thirty-six jurors for such term, and shall issue a venire to summon them as such. If no such terms are ordered the court shall fix a particular day for the trial of the cases heretofore mentioned in this section, not more than twenty days after the day fixed in the recognizance or commitment for the appearance of the accused, or after the filing of the return on appeals and in other cases, and a jury shall be drawn in open court in the presence of the accused and prosecuting officer, in criminal and bastardy cases, and of the parties or their attorneys, in civil cases on the day of the trial; but such jury may be drawn in the same manner at any previous time by consent of parties. All such juries shall be drawn in the manner following: The clerk shall draw, in the presence of the court, from a box containing the names of all persons not disqualified by previous service, furnished by the senior aldermen and supervisors as hereinafter provided, thirty-six names, and shall make a list thereof and each party alternately, beginning with the prosecution or plaintiff, shall strike a name from such list, until only twelve names remain. In case either party shall neglect or refuse to strike out such names, the judge shall appoint some person to strike for him. The twelve persons whose names remain shall be summoned as jurors in such cases. In all actions before such judge, originally commenced in said court excepting cases begun by information and bastardy cases, eighteen names from whom a jury shall be struck shall be drawn from such box in like manner, each party striking six names instead of twelve, in the manner aforesaid. The day for trial may be adjourned from time to time in the discretion of the court. If any person thus drawn cannot be summoned or be excused or set aside as incompetent, another name may be drawn from said list to supply his place and the person whose name is so drawn shall be summoned in like manner, or the judge may di-

Jurors, how drawn.

rect the issue of a venire to said sheriff to summon the necessary jurors to complete the panel from said county at large. In any case where a jury of twelve is required, said judge may at his option, direct the sheriff or one of his deputies to make a list of thirty-six qualified electors from any or all of the towns of said county from which list a jury shall be struck and summoned in the same manner as hereinbefore provided. And in case any of said jurors cannot be summoned or be excused from any cause, a sufficient number of talesmen to complete the panel may be summoned in the manner hereinbefore provided and upon the written request of either party that a jury be drawn from the body of the county the judge shall direct such list to be made from the body of the county, and a jury shall be obtained by striking twenty-four names from such list, and the persons represented by the twelve names remaining shall make a jury and be summoned as aforesaid; and talesmen necessary for any cause, to complete the panel and make a jury may be summoned from the body of the county. Every person having served as a juror at any regular term of said court, shall be disqualified from serving as a juror at the next succeeding term, except he shall be summoned on a special venire or as a talesman, and every person having served as a juror in any case not tried at a regular term of said court shall be disqualified from again serving for three months next succeeding such service except at a regular term. The clerk shall not replace in the box from which the names of jurors are drawn the name of any person while such person is disqualified from acting as a juror by reason of previous service.

List of jurors to be furnished.

SECTION 8. The senior alderman and supervisor for each ward in the city of Ashland shall each before the first Tuesday in April in each year make a list of twenty qualified electors who are citizens of the United States, of his ward to serve in said court as jurors for one year from said first Tuesday in April, and deliver said list to said judge. A jury trial in said court in criminal cases begun by information or not originally begun in said court, may be waived by the accused in writing, or by consent in open court

entered on the minutes. In civil cases the jury shall be deemed waived unless demanded by one of the parties before entering upon the trial. In trials on information, bastardy cases and cases not originally commenced in said court, a jury shall consist of twelve jurors. The fees of jurors shall be two dollars per day, for each day's actual attendance and six cents per mile for each mile actually traveled in going and returning by the most usual route, in cases tried on information, bastardy cases, and cases not originally commenced in said court, and in other cases the same as are allowed by law in courts of justices of the peace. In all cases tried on information, bastardy cases and cases not originally commenced in said court, the fees of the judge, clerk, attorneys, witnesses, sheriff and other officers of said court, shall be the same as in circuit courts, and in other cases the same as in courts held by justices of the peace, except as hereinafter provided, and shall be paid in like manner as in circuit and justices' courts respectively, except said judge or clerk shall receive no fees from said county or city. Two-thirds of all fees of said judge or clerk, collected or received by said judge or clerk, shall at the end of each month be paid into the county treasury by said judge for the use of the county and one-third into the city treasury of the city of Ashland for the use of said city. The judge of said court shall keep or cause to be kept by the clerk of said court, a full and complete record and account in a book to be furnished as the other records and books of said court are furnished, of all fees and costs so received by said judge or clerk, in such a manner that such record shall show the exact amount paid, by whom, at what time, and on what account and if paid in any case, what case. Said judge shall also make duplicate certificates showing the same facts and file one with the county clerk and one with the city clerk at the end of each month. In all civil cases coming before said court there shall be paid to the judge the sum of three dollars at the time of issuing the summons, in actions originally commenced in said court and at the time of filing the papers in said court in actions brought into said court by appeal on change of

Fees of jurors.

venue, and no appeal to said court or change of venue to said court in civil cases shall be of any effect unless said sum is paid. Said sum of three dollars shall be applied by said judge to the payment of the costs of said court; and if there be any surplus such surplus shall be refunded to the party paying. If the party paying such sum shall obtain judgment for his costs in such action the amount so paid by him shall be included in his judgment, but if the adverse party have judgment for costs, such sum shall not be included therein. The provisions of section 2939, of the revised statutes of Wisconsin shall not apply to actions begun in said court or brought there by appeal or change of venue.

Salary of judge, how paid.

SECTION 9. The salary of the judge of said court shall be the sum of two thousand dollars per annum to be paid as follows: Two-thirds shall be paid out of the treasury of Ashland county and one-third out of the treasury of the city of Ashland, to be paid monthly at the end of each calendar month, after such judge shall enter upon the duties of his office, out of said county and city treasury respectively. The clerk of said court shall receive a salary of six hundred dollars per annum, to be paid in the same way as the salary of the judge. Said sums shall be in full for all services rendered by said judge and clerk. The judge of said court before entering upon the duties of his office shall give a bond to Ashland county in the sum of five thousand dollars with two sufficient sureties to be approved by the chairman of the board of supervisors and the clerk of said county for the faithful performance of his duties. The conditions of said bond shall be substantially such as are now provided by law for the bond of the clerk of the circuit court. Said judge shall also give a bond to the city of Ashland in the sum of three thousand dollars with like conditions as the bond required to be given by the city clerk of the city of Ashland. Said judge shall be responsible on his official bonds or either of them for all and any official default or misconduct of his clerk.

Salary of clerk.

Bond to be given.

Not to affect actions already pending.

SECTION 10. Nothing in this act shall be construed as in any manner affecting the right or jurisdiction of any court, judge, justice of the peace or police justice to hear, try and determine

any cause now pending in such court or before such judge, justice of the peace or police justice or which may be commenced before the judge of said municipal court shall enter upon the duties of his office.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1889.

[No. 203, A.] [Published March 15, 1889.]

CHAPTER 95.

AN ACT to amend section 4269, of revised statutes of 1878, as amended by chapter 239, of laws of 1882.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 4269, R. S.

SECTION 1. Section 4269, of revised statutes of 1878, as amended by chapter 239, of laws of 1882, shall be and the same is hereby amended by striking out of said section the words, "within ten days after service of the complaint," and inserting in lieu thereof, the words, "at or before the time of the service of his answer," so that said section when so amended shall read as follows: Section 4269. In all actions to recover the possession or value of logs, timber or lumber wrongfully cut upon the land of the plaintiff, or to recover damages for such trespass, the highest market value of such logs, timber or lumber, in whatsoever place, shape or condition, manufactured or unmanufactured, the same shall have been, at any time before the trial, while in the possession of the trespasser, or any purchaser from him, with notice shall be found or awarded to the plaintiff, if he succeed, except as in this section provided. The defendant in any such action may, at or before the time of the service of his answer, serve on the plaintiff his affidavit that such cutting was done by mistake, and therewith an offer, in writing, to allow judgment to be taken against him for the

Measure of damages in actions to recover possession of logs or timber wrongfully cut.

sum therein specified, with costs. If the plaintiff accept the offer, and give notice thereof, in writing, within ten days, he may file the summons, complaint and offer, with an affidavit of service of the notice of acceptance, and the clerk must thereupon enter judgment accordingly, which shall be in full satisfaction of the matters alleged in the complaint. If notice of acceptance be not so given, the affidavit of the defendant shall be deemed traversed. Upon the trial the jury shall find specially upon such issue, and also the true value of such logs, timber or lumber when so cut, as well as their highest market value aforesaid. If the jury find such cutting was by mistake, and the sum exclusive of costs, for which judgment was so offered was not less than the value of such logs, timber or lumber when cut, with interest from that time to the time of such offer, and ten per centum as damages upon the combined sum, principal and interest, the plaintiff shall have judgment for the amount of such offer only, less the costs and disbursements of the action since the date of such offer, to be taxed and deducted in favor of the defendant. If the jury find such cutting was by mistake, but the sum exclusive of costs, for which judgment so offered was less than such value, and interest and ten per centum damages combined, judgment shall be awarded the plaintiff on the verdict for the value found at time of cutting, with interest from the time of such cutting, and ten per centum thereon aforesaid, besides the costs of the action. If there be several defendants not alike liable, either, or any, may serve such affidavit and offer, and have a separate trial as to him or them; provided, that in all actions hereafter commenced, when the defendant shall have in good faith acquired a title to and entered upon the land under the same, believing such title to be valid, and shall have cut the timber therefrom under such circumstances, then the plaintiff if he shall recover, shall recover only the actual damages sustained by reason of such cutting. The defendant in his answer shall state the facts upon which he relies to establish such claim of title, and the burden of proof shall be on the defendant.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 14, 1889.

[No. 360, S.] [Published March 16, 1889.]

CHAPTER 96.

AN ACT to authorize the Winona and Southwestern Railway company, of Winona, Minnesota, to construct and maintain a bridge across the Mississippi river from some point in Buffalo county, Wisconsin, opposite the city of Winona, in the state of Minnesota, and to acquire land for the approaches thereto.

WHEREAS, The Winona and Southwestern Railway company, a corporation of the state of Minnesota, has been duly authorized to construct and maintain a bridge across the Mississippi river at the city of Winona, Minnesota, by an act of congress, approved August 13, 1888, entitled, "An act to authorize the Winona and Southwestern Railway company to build a bridge across the Mississippi river at Winona, Minnesota;" therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing Winona and Southwestern Ry. to construct bridge across Mississipi river from point in Buffalo county.

SECTION 1. That the Winona and Southwestern Railway company, a corporation of the state of Minnesota, of Winona, Minnesota, its successors and assigns, is hereby authorized and empowered to construct and maintain a bridge, with all necessary approaches, or cause the same to be constructed and maintained from any feasible point on the east bank of the Mississippi river in the county of Buffalo, in the state of Wisconsin, to some point on the west bank of said river in the city of Winona and state of Minnesota. Any bridge built under the authority of this act shall conform to the requirements of the said act of congress authorizing the same, and may be built either as a railroad bridge or a combined railroad and wagon bridge.

May take lands needed for approaches, etc.

SECTION 2. The said Winona and Southwestern Railway company, its successors and assigns, may acquire by purchase, or by condemnation, by the exercise of the right of eminent domain in the manner prescribed in chapter 87, in the general statutes of 1878, of Wisconsin, of any

lands needed for the construction and maintenance of said bridge and the approaches thereto.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1889.

[No. 391, S.] [Published March 16, 1889.]

CHAPTER 97.

AN ACT to amend chapter 12, of the laws of 1889, relating to a special sewer tax in the south sewerage district in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 12, laws 1889, south sewerage district, Milwaukee.

SECTION 1. Chapter 12, of the laws of Wisconsin of 1889, is hereby amended by striking out the figures, 1889, where they occur in section 1, of said chapter, and inserting in lieu thereof, the figures 1890, and by striking out the figures, 1890, where they occur in said section 1, and inserting in lieu thereof the figures, 1891.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1889.

[No. 113, S.] [Published March 15, 1889.]

CHAPTER 98.

AN ACT to appropriate a sum of money to the committee on convict labor appointed under joint resolution, No. 24, A., of the legislature of 1887.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the general fund, not otherwise ap-

propriated, the sum of fifteen hundred dollars to Messrs. C. K. Erwin, C. E. Hooker and C. R. Feld, the committee to investigate and report upon the subject of convict labor to the legislature of 1889, appointed under joint resolution, No. 24, A., April 13, 1887, to compensate said committee for its services in making such investigation and reporting the same to this legislature

Appropriation to committee on convict labor—C. K. Erwin, C. E. Hooker, C. R. Feld.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1889.

[No. 171, S.] [Published March 16, 1889.]

CHAPTER 99.

AN ACT to appropriate to the widow of the late Senator John Carey the sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Mrs. John Carey, widow of the late Senator John Carey, out of any money in the state treasury not otherwise appropriated, the sum of five hundred dollars as salary for the unexpired term of said senator.

Appropriation to Mrs. John Carey.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1889.

[No. 254, S.] [Published March 16, 1889.]

CHAPTER 100.

AN ACT to appropriate to the governor's contingent fund a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the

Appropriation governor's contingent fund, 1889-1890.

governor's contingent fund, out of any moneys not otherwise appropriated, the sum of two thousand dollars per annum for the years 1889 and 1890.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1889.

[No 136, S.] [Published March 16, 1889.]

CHAPTER 101.

AN ACT granting to the city of Racine the right to establish, operate and maintain an electric light plant in said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing city of Racine to operate electric light plant.

SECTION 1. There is hereby granted to the city of Racine in its corporate capacity, the right and privilege of establishing, keeping, operating and maintaining an electric light plant within the corporate limits of said city for the purpose of lighting the streets, alleys, public grounds and public buildings in said city, and supplying the inhabitants thereof with electricity for illuminating purposes, for such length of time and under such restrictions as the common council of said city may determine.

Erection of poles, wires, etc.

SECTION 2. The said city of Racine through its common council, may, by ordinance, determine and decide the manner in which the poles, wires and other appliances for transmission of electricity shall be constructed, erected or placed upon, through, over, under or in the streets, alleys and public grounds of said city, and the streets in or upon which the same shall be placed, and may determine the amount that shall be paid by private consumers for the furnishing of such electricity; and may regulate and control such electric plant and the entire operation thereof, and the duties of all officers and employes connected therewith.

SECTION 3. The said city of Racine shall be and hereby is through its common council, authorized and empowered to levy and assess upon the taxable property of said city, in addition to all other sums authorized and empowered by its charter to be levied and assessed, such sum or sums of money as may be necessary to erect and construct such electric plant not exceeding the sum of fifty thousand dollars, and such further sums from time to time as may be necessary to operate, maintain and extend the same not exceeding the sum of ten thousand dollars in any one year.

May levy tax not exceeding $50,000 to carry on plant.

SECTION 4. The said city of Racine through its common council, prior to the construction or erection of such electric plant, shall ascertain the best and most satisfactory system of electric lighting, all things considered, and shall, prior to the making of any contract under this act, or the construction of such aforesaid works, submit the question as to whether said city shall construct, operate and maintain such electric light plant, to the vote of the qualified electors of said city at a special election to be called by the mayor under the direction of the common council; and the said city of Racine shall obtain no rights or privileges under or by virtue of this act unless a majority of all the votes cast at any such election shall be in favor thereof, nor unless a majority of all members elect of the common council shall, after such election and the canvassing of the votes thereof, vote in favor thereof.

Question to be submitted to electors at special election.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1889.

[No. 338, A.] [Published March 16, 1889.]

CHAPTER 102.

AN ACT to amend the charter of the city of Janesville.

(See Vol. 2.)

[No. 897, A.] [Published March 16, 1889.]

CHAPTER 103.

AN ACT to amend the charter of the city of Grand Rapids.

(See Vol. 2.)

[No. 25, S.] [Published March 16, 1889.]

CHAPTER 104.

AN ACT to amend subdivision 11, of section 892, of the revised statutes, as amended by chapter 246, of the laws of 1882, relating to the powers of village boards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sub. 11, sec. 892, R. S., powers of village boards, removing snow, dirt, etc. from sidewalks.

SECTION 1. Subdivision 11, of section 892, of the revised statutes, is hereby amended by striking out the word, "buildings," where it occurs in the fourteenth line of said subdivision 11, and inserting in lieu thereof, the words, "any building or buildings, lot or lots, or any part thereof, or any premises within the village," so that said subdivision when so amended shall read as follows: To lay out, open, change, widen or extend streets lanes, alleys, sewers, parks, squares or other public grounds, and to grade, pave, improve, repair or discontinue the same, or any part thereof or to establish and open drains, canals or sewers, or alter, widen or straighten water-courses in the manner provided in this chapter; to make, alter, widen or otherwise improve, keep in repair, vacate or discontinue sidewalks and cross-walks as provided in this chapter; to prevent the incumbering of streets, sidewalks, cross-walks and alleys with carriages, carts, wagons, sleighs sleds, buggies, railway cars, engines, boxes, lumber, firewood or other substances or materials; to

prevent horse-racing or immoderate riding or driving in the streets of the village; to prevent the riding or driving of animals or the driving of vehicles of any kind on the sidewalks of the village, or the doing of damage in any way to such sidewalks; and to require the owners or occupants of any building or buildings, lot or lots, or any part thereof, or any premises within the village, to remove snow, dirt or rubbish from the sidewalks adjacent thereto; and in default thereof, to authorize the removal of the same at the expense of such owner or occupant, and to improve, grade, repair and build roads and sidewalks, which may be required to connect the village with any railway depot or river landing situated outside of the limits of the incorporated village and used by the inhabitants thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1889.

[No. 92, A.] [Published March 16, 1889.]

CHAPTER 105.

AN ACT to amend section 1, of chapter 233, of the laws of 1881, entitled an act to provide for the humane care of the chronic insane not otherwise provided for.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 1, ch. 233, laws 1881, care of chronic insane.

SECTION 1. Section 1, of chapter 233, of the laws of 1881, is hereby amended by striking out the words, "in which no county asylum exists," where they occur in the sixth and seventh lines of said section, so that said section, when so amended, will read: Section 1. Whenever it shall appear to the state board of charities and reform that insufficient provision has been made for the care and support of the insane in the state hospitals and county asylums previously established, according to law, said board may file

with the secretary of state a list of counties whic in the opinion of the said board, possess accon modations for the proper care of the chronic i sane, and thereafter each of said counties named, which shall care for its own chronic i sane under such rules as such board shall pr scribe, on the properly verified certificate of sa board to the secretary of state, shall receive t sum of one dollar and fifty cents per week f each person so cared for and supported, as her inafter provided.

SECTION 2. This act shall take effect and be force from and after the date of its passage a publication.

Approved March 15, 1889.

[No. 62, S.] [Published March 16, 188

CHAPTER 106.

AN ACT providing for new records of highway

The people of the state of Wisconsin, represent in senate and assembly, do enact as follows:

Providing for new records of highways, how made, and filed.

SECTION 1. Whenever the record of the layi out of any highway in any town in this state sh be lost or destroyed, the supervisors of the tow shall have power to make a new record of su highway by a written order made and entered the records of the town. Whenever the supervi ors shall contemplate making such new reco they shall make out a notice and fix therein time and place at which they will meet and deci upon the same, which notice shall specify as ne as may be the highway as to which they propo to make a new record. Such notice shall be serv and posted in the manner provided by section 12 of the revised statutes, but notice need not be giv to such persons as will waive the same or conse to the making of the order either before or aft the same is entered. The supervisors shall me pursuant to the notice given and shall hear a reason or evidence that may be offered for

against the proposed new record of the highway, and shall thereupon decide as they shall deem proper. They may adjourn the meeting from time to time, and an entry of each adjournment shall be made in the record by the clerk. If they find that the highway is a legal highway, the record whereof is lost or destroyed, they shall make an order determining such facts and farther determining and specifying the course, width and other pertinent description of the highway, and such order shall be filed and recorded in the office of the town clerk, who shall note the time of recording in the record. Any number of highways may be included in one such notice or order, and a failure or refusal to make a new record for any highway shall not preclude a subsequent proceeding for that purpose. Any person through whose land such highway shall pass, may appeal from such order on the ground that the highway described therein was not heretofore a legal highway in fact, in the time and manner provided for appeals from orders laying out highways, and like proceedings, as near as may be, shall be had thereon as in case of appeals from orders laying out highways. Such order of the supervisors, if there be no appeal therefrom, or the decision of commissioners affirming the same upon appeal, and the record, or a certified copy thereof, shall be presumptive evidence of the regularity of the proceedings prior to the making of such order, and of the correctness of the findings, determinations and matters therein stated, and the regularity of such proceedings shall not be called in question by any person except owners of land on whom such notice should have been served, but on whom such notice was not, in fact, served, and persons claiming under such owners.

What to apply to.

SECTION 2. This act shall be so construed as to apply to any highways heretofore or hereafter laid out or established, and to cases of loss or destruction of records which have heretofore, or may hereafter occur.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1889.

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against the proposed new record of the highway, and shall thereupon decide as they shall deem proper. They may adjourn the meeting from time to time, and an entry of each adjournment shall be made in the record by the clerk. If they find that the highway is a legal highway, the record whereof is lost or destroyed, they shall make an order determining such facts and farther determining and specifying the course, width and other pertinent description of the highway, and such order shall be filed and recorded in the office of the town clerk, who shall note the time of recording in the record. Any number of highways may be included in one such notice or order, and a failure or refusal to make a new record for any highway shall not preclude a subsequent proceeding for that purpose. Any person through whose land such highway shall pass, may appeal from such order on the ground that the highway described therein was not heretofore a legal highway in fact, in the time and manner provided for appeals from orders laying out highways, and like proceedings, as near as may be, shall be had thereon as in case of appeals from orders laying out highways. Such order of the supervisors, if there be no appeal therefrom, or the decision of commissioners affirming the same upon appeal, and the record, or a certified copy thereof, shall be presumptive evidence of the regularity of the proceedings prior to the making of such order, and of the correctness of the findings, determinations and matters therein stated, and the regularity of such proceedings shall not be called in question by any person except owners of land on whom such notice should have been served, but on whom such notice was not, in fact, served, and persons claiming under such owners.

What to apply to.

SECTION 2. This act shall be so construed as to apply to any highways heretofore or hereafter laid out or established, and to cases of loss or destruction of records which have heretofore, or may hereafter occur.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1889.

[No. 710, A.] [Published March 20, 1889.

CHAPTER 107.

AN ACT incorporating the city of Shullsburg.

(See Vol. 2.)

[No. 780, A.] [Published March 19, 1889.]

CHAPTER 108.

AN ACT to detach a certain portion from the town of Millston, in the county of Jackson, and to form the town of Knapp.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Detaching territory from town of Millston and creating town of Knapp.

SECTION 1. All that tract of country known and described as township twenty (20), range one (1) west, except the west one-half (½) of section six (6), all of section seven (7), and west one-half (½) of section eighteen (18), and all of township twenty-one (21) north, of range one (1) west, heretofore constituting a part of the town of Millston, lying and being in the county of Jackson, is hereby detached from the said town of Millston and constituted a separate town, to be called the town of Knapp.

First meeting, when held.

SECTION 2. The first town meeting in said town hereby organized, shall be held at the store of McMillan, Salsich & Co., in said township twenty-one (21) north, range one (1) west, on the first Tuesday in April, A. D. 1889, and it shall be lawful at said town meeting for the electors of said town to elect the same officers as towns are authorized by law to elect at annual town meetings, and said electors shall possess the same powers to do any and all business relating to said town that the electors of the several towns of this state are now qualified by law to transact at their annual town

[No. 573, A.] [Published March 21, 1889.]

CHAPTER 110.

AN ACT to detach certain territory from the town of Mayville, in the county of Clark, and to create the town of Hoard.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dettaching terriory from town of Mayville and creating town of Hoard.

SECTION 1. All that certain territory in the county of Clark and state of Wisconsin described as follows, to wit: Township number twenty-nine (29) north, of range one (1) west, of the fourth (4) principal meridian, is hereby set off and detached from the town of Mayville, and is hereby created and constituted a separate town, to be known and designated as the town of Hoard.

Indebtedness, how apportioned.

SECTION 2. The part of the indebtedness of the said town of Mayville to be apportioned to the said town of Hoard shall bear the same ratio to the whole of said indebtedness that the last assessed valuation of the taxable property of the above described detached territory bears to that of the last assessed valuation of the whole of the saxable property of said town of Mayville as shown by its last assessment roll.

First town meeting, when held, etc.

SECTION 3. The qualified electors of the town of Hoard shall meet at the hall of Andrew Olson, in the village of Curtiss, in said town of Hoard, on the day appointed by law for the holding of annual town meetings, and the election of town officers in this state, and shall, in the manner provided by law, elect town officers for said town, and for the purposes of such election the qualified voters of said town of Hoard, assembled at the place aforesaid, shall, between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election, and such inspectors shall, before entering upon their duties, take and subscribe the usual oath of office, and file the same with their return, and such inspectors shall canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings, and the qualified electors so assembled

[No. 390, S.] [Published March 19, 1889.]

CHAPTER 109.

AN ACT to authorize the chief clerk of the senate to employ additional copyists and providing for their payment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing additional employes, senate compensation.

SECTION 1. The chief clerk of the senate, by and with the consent of the senate committee appointed by the senate caucus for that purpose, is hereby authorized to employ a sufficient number of clerks from the present force of copyists to perform the necessary work of the senate during the balance of the present session, at a compensation of three and one-half dollars per diem.

Chief clerk to certify list, etc.

SECTION 2. The chief clerk of the senate shall certify to the secretary of state the names of all such clerks employed, the capacity employed in, and the amounts respectively due them, which certificate shall be approved by the presiding officer of the senate; upon such certificate the accounts shall be audited and paid out of the state treasury.

Appropriation.

SECTION 3. There is hereby appropriated out of any money in the state treasury not otherwise appropriated a sum sufficient to carry out the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1889.

[No. 573, A.] [Published March 21, 1889.]

CHAPTER 110.

AN ACT to detach certain territory from the town of Mayville, in the county of Clark, and to create the town of Hoard.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Detaching terriory from town of Mayville and creating town of Hoard.

SECTION 1. All that certain territory in the county of Clark and state of Wisconsin described as follows, to wit: Township number twenty-nine (29) north, of range one (1) west, of the fourth (4) principal meridian, is hereby set off and detached from the town of Mayville, and is hereby created and constituted a separate town, to be known and designated as the town of Hoard.

Indebtedness, how apportioned.

SECTION 2. The part of the indebtedness of the said town of Mayville to be apportioned to the said town of Hoard shall bear the same ratio to the whole of said indebtedness that the last assessed valuation of the taxable property of the above described detached territory bears to that of the last assessed valuation of the whole of the saxable property of said town of Mayville as shown by its last assessment roll.

First town meeting, when held, etc.

SECTION 3. The qualified electors of the town of Hoard shall meet at the hall of Andrew Olson, in the village of Curtiss, in said town of Hoard, on the day appointed by law for the holding of annual town meetings, and the election of town officers in this state, and shall, in the manner provided by law, elect town officers for said town, and for the purposes of such election the qualified voters of said town of Hoard, assembled at the place aforesaid, shall, between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election, and such inspectors shall, before entering upon their duties, take and subscribe the usual oath of office, and file the same with their return, and such inspectors shall canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings, and the qualified electors so assembled

at the place aforesaid may vote for judicial officers to be chosen on said day, and the votes cast for such judicial officers, whether for justices of the supreme court, judge of the circuit court, or county judge, or all of them, shall be counted, canvassed and returned in the same manner and shall have the same effect as if the said town of Hoard were fully organized.

When town to be deemed organized.

SECTION 4. When such election shall have been held as herein provided and the town officers required by law duly elected, and such officers have duly qualified as required by law, the said town of Hoard shall be deemed to be duly organized and shall possess all the rights, powers and liabilities of other towns in this state.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 19, 1889.

[No. 141, S.] [Published March 21, 1889.]

CHAPTER 111.

AN ACT to establish the terms of court of the fifteenth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Establishing terms of court of 15th judicial circuit.

SECTION 1. That the several terms of said court in said circuit be held as follows: In the county of Ashland on the second Monday of June and on the second Monday of December, and on the third Monday of September; in the county of Bayfield on the first Wednesday of April and the first Monday of October; in the county of Oneida on the third Monday of April and the third Monday of October; in the county of Price on the first Monday of May and the first Wednesday in November; in the county of Taylor on the third Monday of May and the third Monday of November; and in the county of Sawyer, on the first Monday of June and the first Monday of December.

SECTION 2. No jury shall be empanelled at the

September term of the circuit court for Ashland county, unless the judge of said court shall in his discretion, thirty days prior to the convening of said term of court, file a written order with the clerk of said court requiring a jury to be empanelled, which jury shall be used in the trial of criminal cases.

No jury to be empanelled at September term.

SECTION 3. The several general terms of court in each county of said circuit shall be a special term for all other counties in said circuit.

General terms to be special for whole circuit.

SECTION 4. This act shall take effect and be in force from and after the first day of July, 1889, and all other acts in conflict with this act are hereby repealed.

Approved March 19, 1889.

[No. 557, A.] [Published March 21, 1889.]

CHAPTER 112.

AN ACT to detach certain territory from the town of Gordon, county of Douglas, and attach the same to the town of Nebagamain.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that part of the territory of the town of Gordon lying east of the west line of sections two (2), eleven (11), fourteen (14), twenty-three (23), twenty-six (26) and thirty-five (35), in township number forty-five (45) north, of range thirteen (13) west; and all that part of the territory of said town of Gordon lying north of the south line of sections seven (7), eight (8), nine (9), ten (10), eleven (11) and twelve (12), in township forty-four (44) north, of range twelve (12) west, be and the same is hereby detached from the town of Gordon and attached to the town of Nebagamain.

Detaching territory from town of Gordon and attaching same to Nebagamain.

SECTION 2. All of said territory hereby detached from said town of Gordon, is also hereby detached from any school district in which the same may now be included, within either the town of Gordon or any other town or towns in said county,

Attached to school district No. 1, Nebagamain.

and attached to school district number one (1), o
the town of Nebagamain, which it adjoins.

SECTION 3. This act shall take effect and be i
force from and after its passage and publicatio

Approved March 20, 1889.

[No. 303, A.] [Published March 21, 1889

CHAPTER 113.

AN ACT to amend the charter of the city o
Stevens Point.

(See Vol. 2.)

[No. 173, S.] [Published March 22, 1889.

CHAPTER 114.

AN ACT to amend the charter of the city of F
Atkinson.

(See Vol. 2.)

[No. 446, A.] [Published March 21, 1889.

CHAPTER 115.

AN ACT to amend the charter of Green Bay.

(See Vol. 2.)

[No. 461, A.] [Published March 21, 1889.]

CHAPTER 116.

AN ACT to appropriate to Andrew E. Elmore a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Andrew E. Elmore, out of any money in the treasury not otherwise appropriated, eight hundred and eighty and fifty hundredths dollars, in full for expenses incurred by him in contesting the seat of A. L. Gray to a seat in this house. Appropriation to Andrew E. Elmore.

SECTION 2. This bill shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 171, A.] [Published March 23, 1889.]

CHAPTER 117.

AN ACT amending the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 119, A.] [Published March 23, 1889.]

CHAPTER 118.

AN ACT to amend the charter of the city of Viroqua.

(See Vol. 2.)

[No. 331, A.] [Published March 22, 1889.]

CHAPTER 119.

AN ACT to change the time of holding the general terms of the circuit court in the counties of Clark and Trempealeau, in the sixth judicial circuit of Wisconsin, and to make such general terms special terms for said circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Changing terms of court in sixth judicial circuit.

SECTION 1. The general terms of the circuit court for the county of Clark shall be holden on the first Monday of June and December in each and every year; and the general terms of said court for the county of Trempealeau shall be holden on the first Mondays of March and September in each and every year.

General terms in counties of Clark and Trempealeau to be special for whole circuit.

SECTION 2. Every general term of the circuit court for the counties of Clark and Trempealeau aforesaid, shall also be a special term for the whole sixth judicial circuit, and at any such term of said court any and all business may be done arising in any county in said circuit, which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of quo warranto and mandamus, and excepting also the trial of issues of fact in actions made local by law, and arising in some county other than the one in which such special term shall be held.

SECTION 3. This act shall take effect and be in force from and after the first day of July, A. D. 1889.

Approved March 21, 1889.

[No. 150, A.] [Published March 22, 1889.]

CHAPTER 120.

AN ACT to repeal chapter 463, of the laws of 1887, entitled, "An act to change the time of holding court in the twelfth judicial circuit."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealing ch. 468, laws of 1887, relating to holding court in twelfth judicial circuit.

SECTION 1. Chapter 468, of the laws of 1887, entitled, "An act to change the time of holding court in the twelfth judicial circuit, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 218, A.] [Published March 22, 1889.]

CHAPTER 121.

AN ACT to amend section 2433, of chapter 113, of the revised statutes of Wisconsin, entitled, "of the circuit courts," as amended by chapters 10 and 151, laws of 1881, and chapter 107, of the laws of 1883, and chapter 110, of the laws of 1885, and chapter 506, of the laws of 1887.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 2433 R. S., allowing appointment of five court commissioners.

SECTION 1. Section 2433, of chapter 113, of the revised statutes of the state of Wisconsin, is hereby amended so as to read as follows: Section 2433. The circuit courts and the circuit judges in vacation may appoint in each of the counties in their respective circuits five court commissioners, each of whom shall hold his office during the term of office of the circuit judge who appointed him and until his successor is appointed and qualified, unless sooner removed by the court or judge ap-

pointing him. Each such court commissioner, shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and file the same, duly certified, together with his appointment, in the office of the clerk of the circuit court of the county in which he resides.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 323, A.] [Published March 22, 1889.]

CHAPTER 122.

AN ACT to amend chapter 292, of the general laws of 1881, relating to terms of court in the eighth judicial district.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

What may be tried at special terms in eighth judicial circuit.

SECTION 1. Chapter 292, of the general laws of 1881, is hereby amended by striking out in section 1 thereof the following words: "And excepting also the trial of issues of fact in actions made local by law and arising in some county other than the one in which such special term shall be held," so that said section 1, as amended shall be as follows: Every general term of the eighth judicial circuit, shall be a special term for the whole circuit. At any special term of said court, herein provided for, any and all business may be done arising in any county of the circuit which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of quo warranto and mandamus.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 17, S.] [Published March 22, 1889.]

CHAPTER 123.

AN ACT to provide for the erection and maintenance of blocks or guards at the front or rear of frogs on railroad tracks in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Railroad companies to erect and maintain blocks or guards at frogs.

SECTION 1. Every railroad corporation operating any railroad, shall erect and maintain sufficient guards or blocks at the front and rear of every frog in every railroad track of any such corporation used and operated in this state.

Penalty for violation.

SECTION 2. If any railroad corporation, its officers, agents or servants, shall violate or fail to comply with any of the provisions of this act, or shall fail to sufficiently guard such frogs, such corporation for each and every such violation or failure shall forfeit not less than fifty nor more than five hundred dollars, one-half to the person prosecuting, and shall in addition be liable to the person injured for all damages sustained thereby, whether the person so injured shall be a servant or agent of such corporation or not, and notwithstanding that such violation or failure shall arise or occur through the negligence of any other agent or servant thereof.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 476, A.] [Published March 22, 1889.]

CHAPTER 124.

AN ACT to purchase ground for a permanent camp and rifle range for the Wisconsin National Guard.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing purchase of grounds for camp, etc., for Wisconsin National Guard.

SECTION 1. The governor is hereby authorized to purchase for the state not to exceed six hundred acres of land, at or near Camp Douglas in Juneau county, as a permanent camp ground and rifle range for the Wisconsin National Guard, and to cause the same to be improved and fitted up in a convenient manner for those purposes; provided, that the sum to be paid for the land shall not exceed six hundred dollars, and that the total amount expended for all purposes shall not exceed five thousand dollars.

Appropriation, limit of.

Appropriation.

SECTION 2. There is hereby appropriated out of the general fund a sum sufficient to accomplish the purposes aforesaid, the same to be expended under the direction and approval of the governor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 280, A.] [Published March 22, 1889.]

CHAPTER 125.

AN ACT to authorize the State Board of Supervision to purchase a tract of land adjoining the state hospital.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The State Board of Supervision is hereby authorized, at their discretion, to purchase,

d about one acre in ex- s of the state hospital. l take effect and be in ssage and publication.

State Board of Supervision authorized to purchase ground adjoining state hospital.

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ished March 22, 1889.]

R 126.

367, of the private and d, "An act to author- apids, in the county of e and hold elections ity of Grand Rapids."

Wisconsin, represented o enact as follows:

of the private and local act to authorize the he county of Wood, to tions within the limits s," is hereby repealed. l take effect and be in ssage and publication.

Repealing ch. 367, private and local laws 1871, relating to elections in town of Grand Rapids.

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ished March 22, 1889.]

R 127.

xclusion of certain per- ses of a scandalous or

Wisconsin, represented o enact as follows:

n any court, a cause of ature is on trial, the may, in his discretion,

Minors may be excluded from certain trials, when.

exclude therefrom all minors not necessarily present as parties or witnesses.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 61, S.] [Published March 22, 1889.]

CHAPTER 128.

AN ACT to amend chapter 113, of the revised statutes of the state of Wisconsin, relating to circuit courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 2438 R. S., payment of deficiency in salary of circuit court reporters.

SECTION 1. Chapter 113, of the revised statutes of the state of Wisconsin, is hereby amended by adding to section 2438, the following: Provided, that if such reporter does not, in any year, receive the sum of two thousand dollars from the counties, at a per diem of ten dollars per day, the deficiency shall be paid out of the state treasury, and a warrant shall be issued therefor to such reporter on his filing with the secretary of state a certificate, signed by the circuit judge, showing the amount of such deficiency.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 181, A.] [Published March 26, 1889.]

CHAPTER 129.

AN ACT to amend chapter 372, of the private and local laws of 1870, entitled, "An act to incorporate the Watertown Musical Society 'Concordia.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 372, private and local laws 1870, relating to Watertown Musical Society.

SECTION 1. Chapter 372, of the private and local laws of 1870, is hereby amended by striking out the word, "ten," where it occurs in the first section of said chapter, and inserting in lieu thereof, the word, "fifteen", so that said chapter, when so amended, shall read as follows: Section 1. The members of the Watertown Musical Society, "Concordia," in the city of Watertown, and all persons who shall hereafter become associated with them as members of said society, are hereby created a body corporate and politic, by the name of Watertown Musical Society "Concordia," for the purpose of promoting the cultivation of musical taste among its members, by frequent rehearsals and performances at concerts, and on other suitable occasions, of old and new musical compositions, with the power for such purposes to take, by purchase, devise or otherwise, to hold, transfer and convey real and personal property to the amount of fifteen thousand dollars; and also, further, in their corporate name, to sue and to be sued, appear, prosecute and defend all actions and causes to final judgment and execution in any court of law or equity, to make by-laws and regulations consistent with the laws of this state, for the government of said corporation, for the due and orderly conduct of its regulation and affairs, and for the management of its property.

Control of funds, etc.

SECTION 2. The control and disposal of the funds, property and estate, and the general management and concerns of said corporation, subject to the rejection and restrictions contained in its by-laws and regulations, shall be vested in a board of directors, to consist of the president, the vice-president, the treasurer, the secretary, the regis-

seur and the musical director, who shall be elected semi-annually to their respective offices.

Old officers to hold over.

SECTION 3. The several officers of the said society or corporation, at the time of the passage of this act, shall continue to hold their respective offices as officers of the corporation hereby created, until the expiration of the term for which they were elected and qualified; and all personal property, funds and securities now owned or held by the said society, or by the said officers or either or any of them, including all debts due or to become due to the same from members thereof, for stated dues, arrears, etc., or from any other person or persons, shall vest in and become the property of, and may be sued for and recovered in the name of the corporation hereby created; and the said corporation shall assume and be liable for all the debts and obligations of said society, contracted or incurred, and for all contracts and agreements entered into previous to the passage of this act by any of the officers thereof, lawfully acting in behalf of the said society.

Semi-annual election, when held.

SECTION 4. The semi-annual election of officers of the said corporation shall be held on the first Saturday of the months of January and July in each year, or on such other days as the said corporation, by its by-laws and regulations, may appoint.

Vacancies, how filled.

SECTION 5. The board of directors shall have power to fill vacancies in the several offices, and to appoint and at pleasure remove such subordinate officers, agents or servants as the interest of said corporation in their opinion may require.

Present by-laws to be in force.

SECTION 6. The present by-laws of the said society, so far as the same are consistent with the provisions of this act, shall continue in force and govern and be binding upon the corporation hereby created; subject, however, to the rights of said corporation to alter or amend the same.

Exempting property of, from taxation.

SECTION 7. The actual and future estate, property and funds of the said corporation shall be devoted solely to the general purposes and objects specified in the first section of this act, and shall be exempt from taxation.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 291, A.] [Published March 26, 1889.]

CHAPTER 130.

AN ACT to amend the charter of the city of Reedsburg.

(See Vol. 2.)

[No. 381, A.] [Published March 27, 1889.]

CHAPTER 131.

AN ACT to amend the charter of the city of Darlington.

(See Vol. 2.)

[No. 442, A.] [Published March 26, 1889.]

CHAPTER 132.

AN ACT to amend the charter of the city of Edgerton.

(See Vol. 2).

[No. 456, A.] [Published March 26, 1889.]

CHAPTER 133.

AN ACT to amend the charter of the city of Oconomowoc.

(See Vol. 2.)

[No. 50, S.] [Published March 26, 1889.]

CHAPTER 134.

AN ACT to amend the charter of the city of Onalaska.

(See Vol. 2.)

[No. 160, S.] [Published March 26, 1889.]

CHAPTER 135.

AN ACT to amend the charter of the city of Beaver Dam.

(See Vol. 2.)

[No. 123, S.] [Published March 26, 1889.]

CHAPTER 136.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 151, S.] [Published March 28, 1889.]

CHAPTER 137.

AN ACT to create, regulate and control the policemen's relief fund of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to policemen relief fund city of Milwaukee.

SECTION 1. The members of the paid police department of the city of Milwaukee shall, on or before the first day of June, 1889, form an association and shall organize under the provisions of sections 1987 and 1988, of the revised statutes, and shall adopt by-laws and regulations for the government thereof, and when so organized and the officers thereof, shall have been duly elected and shall have qualified according to the by-laws of such association, the city treasurer of the city of Milwaukee shall, upon receiving written notice of such organization and of the election and qualification of the officers of said association and on the first Monday in May, 1890, and on the first Monday in May of each year thereafter, pay over to the treasurer of said association, for the benefit of the persons entitled to relief from said association, one per centum of the amount of all fees received by said city for licenses issued by said city for the sale of intoxicating liquors during the preceding year; provided, however, that such amount shall not exceed the sum of two thousand five hundred dollars in any year, and the proper officers of the city of Milwaukee are hereby authorized and directed from time to time to issue to the treasurer of said association an order on the city treasurer therefor, and thereafter such amount shall be the property of said association, and shall be held, and enjoyed by and disposed of by it, subject to its by-laws and regulations.

Assessment to be made by members.

SECTION 2. It is hereby made the duty of every member of said department, including the chief of police, to execute to the said policemen relief association of the city of Milwaukee, on or before the first day of June, 1889, a written assignment of all of his right, title and interest of, in and to all moneys received, and to be received

as rewards during the period of his membership in said department; and it shall be the duty of every person appointed as a member of said department thereafter, to execute such an assignment upon entering upon his duties; and it is hereby made the duty of the chief of police to forthwith remove from said department any member who shall fail to comply with the provisions of this section.

Rewards, etc., received to be paid or turned over to treasurer.

SECTION 3. It is hereby made the duty of all persons during their membership in said department, to pay or deliver over without delay to the treasurer of said association all property, money or things of value other than their salaries, received by such persons as reward or compensation in the performance of official duty or special services in said department; and it is hereby made the duty of the chief of police to forthwith remove any member of said department who shall fail to comply with this provision.

Proceeds, how applied.

SECTION 4. The proceeds hereafter realized from the sales of unclaimed goods and property disposed of under the provisions of chapter 8, of the laws of 1883, and the ordinances of said city, shall be paid by the chief of police to the treasurer of said association, and all money that shall be unclaimed for the space of one year shall be delivered by the chief of police to the treasurer of said association.

Witness fees of members of, to be paid to treasurer by clerk of municipal court.

SECTION 5. It is hereby made the duty of the clerk of the municipal court of Milwaukee county to tax witness fees in all cases in said court wherein the members of said department are witnesses for the prosecution, and he shall pay the same, when collected on the first Mondays of January, April, July and October, to the treasurer of said association.

Duty of treasurer respecting funds.

SECTION 6. All funds that shall come into the hands of the treasurer of said association by virtue of this act shall be the property of said association, and shall be held and enjoyed by and disposed of by it subject to its by-laws and regulations.

Treasurer to give bond.

SECTION 7. The treasurer of said association shall give a bond, with at least two sureties, in the penal sum to be fixed by said association, not to be less, however, than five thousand dollars which shall be approved by the comptroller of the

city of Milwaukee before such treasurer shall enter upon the duties of his office.

SECTION 8. No person shall be elected to or hold any office in said association unless he be in the active service of the police department of the city of Milwaukee, and if such active service shall be terminated while holding the office of trustee or any other office of said association his term shall thereupon cease and determine, and the members of said association who shall by the by-laws thereof be entit'ed to vote, shall forthwith elect his successor. The city attorney of the city of Milwaukee shall be ex-officio one of the trustees of the policemen's relief association and also a trustee of the firemen's relief association of the said city of Milwaukee. Who eligible to office in association.

SECTION 9. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 153, S.] [Published March 23, 1889.]

CHAPTER 138.

AN ACT to repeal chapter 283, of the laws of 1887, entitled, "An act to amend section 1061, of the revised statutes, relating to boards of review."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 283, of the laws of 1887, entitled, "An act to amend section 1061, of the revised statutes, relating to boards of review," is hereby repealed. Repealing ch. 283, laws 1887, relating to boards of review.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 289, S.] [Published March 27, 1889.

CHAPTER 139.

AN ACT to fix the amount chargeable for th support and maintenance of insane persons i county asylums and giving right of appeal t circuit courts from orders made by count judges.

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

Fixing amount chargeable for maintenance of insane persons and giving right of appeal from county court.

SECTION 1. Section 12, of chapter 233, laws o 1881, as amended by chapter 369, laws of 1887, i hereby amended by striking out the last two line of said section, and in lieu thereof insert the fo lowing: "and, provided further, that the amoun to be paid when ordered by such county judg shall be a reasonable compensation for such sup port and maintenance, but in no case to excee the sum of three dollars per person per week and any party to any proceeding under this chap ter may appeal to the circuit court of the prope county from any order or determination of th county judge in such proceeding, in the manne and according to the provisions of section 4031, o the revised statutes of 1878, so that said sectio when so amended shall read as follows: Sec tion 12. The property and estate of any insan person kept in any state or county asylum, or kep by any county at public charge under the provis ions of this act shall be liable for his support an maintenance, and chargeable for the paymen thereof, and upon failure of the person or pe sons having the charge or custody of such prop erty or estate, to pay therefrom for such suppor and maintenance, the board of trustees of th hospital or asylum, or the chairman of the boar of supervisors of the county furnishing such sup port, may apply to the county judge of th proper county to compel such payment. In case arising under the provisions of this section, suc county judge shall have the jurisdiction and au thority conferred by chapter 63, of the revise statutes, and shall exercise such jurisdiction an authority, in the manner provided by said chapter

and he may enforce obedience to his orders by proceedings as for a contempt. If any order or orders made by such judge requiring such payment shall not be complied with either of the officers in this section designated to wit, such board of trustees of any hospital or asylum, or the chairman of the board of supervisors of any county, may recover in an action against the person or persons having the charge or custody of such property or estate, brought in the circuit court against him or them in his or their representative character, the amount directed to be paid by such order or orders, and any judgment so recovered may be satisfied out of such property or estate, such court may in its decretion, direct that the costs in said action, if the plaintiff recovers judgment, be paid out of such property or estate or by the person or persons having the charge or custody thereof; provided always, that no charges be made in any case, where, in the discretion of the court, a parent, wife or child is dependent on such property for future support; and provided further, that the amount to be paid when ordered by such county judge shall be a reasonable compensation for such support and maintenance, but in no case to exceed the sum of three dollars per person per week; and any party to any proceeding under this chapter may appeal to the circuit court of the proper county from any order or determination of the county judge in such proceedings, in the manner, and according to the provisions of section 4031, of the revised statutes of 1878.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 128, S.] [Published March 27, 1889.]

CHAPTER 140.

AN ACT to amend sections 2532, 2533, 2535, 2536 and 2545 of chapter 116, of the revised statutes entitled, "Of Jurors."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 2532, R. S.

SECTION 1. Section 2532, of the revised statutes is hereby amended by striking out all of said section after the word, "shall," in the second line thereof, and insert in lieu thereof the following words: "Write the names of the persons contained therein on separate pieces of paper, each in the same manner, as near as may be, and fold the same so that the name written thereon shall not be visible, and shall deposit such pieces of paper those containing the names of the grand jurors in one box and those containing the names of the petit jurors in another box, from which they shall be drawn as hereinafter provided, so that said section, when so amended shall read as follows: Section 2532. On receiving such lists, the clerk of the circuit court, shall write the names of the persons contained therein on separate pieces of paper, each in the same manner, as near as may be, and fold the same so that the name written thereon shall not be visible, and shall deposit such pieces of paper, those containing the names of the grand jurors in one box, and those containing the names of the petit jurors in another box from which they shall be drawn as hereinafter provided.

Amending sec. 2533, R. S.

SECTION 2. Section 2533, of the revised statutes is hereby amended by striking out the words "and when so ordered by the court to draw a grand jury," in the fifth and sixth lines of said section, and inserting in lieu thereof the following words: "and unless otherwise ordered by the court, as hereinafter provided," so that said section when so amended shall read as follows: Section 2533. At least fifteen days before the sitting of any court at which a jury is required to attend the clerk of the court, in presence of the sheriff or

under-sheriff, and a justice of the peace, shall proceed to draw the names of thirty-six persons from the box containing the names of petit jurors to serve as petit jurors, at such court, and unless otherwise ordered by the court as hereinafter provided, he shall in like manner, and before like witnesses, proceed to draw the names of seventeen persons from the box containing the names of the grand jurors to serve as grand jurors of said court, but the county board of any county, may by resolution duly adopted, limit the petit jurors to be drawn to any number not less than eighteen, which number shall thereafter be so drawn until such resolution shall be rescinded.

Amending sec. 2535, R. S.

SECTION 3. Section 2535, of the revised statutes is hereby amended by striking out the words, "and when ordered to draw a grand jury," in the sixth and seventh lines of said section and insert in lieu thereof the words, "and when a grand jury is drawn," so that said section when so amended, shall read as follows: Section 2535. The clerk shall, at least twelve days before the first day of the court, issue and deliver to the sheriff or under-sheriff of said county a venire for the petit jury, under the seal of the court, commanding him to summon the persons so drawn as jurors to appear before the said court, at or before the hour of eleven o'clock A. M. on the first day of the term thereof, to serve as petit jurors. And when a grand jury is drawn, as provided by law, he shall in like manner issue and deliver a venire, commanding the sheriff or under-sheriff to summon the persons so drawn as grand jurors to appear before the said court at the time specified in the order of the judge.

Amending sec. 2536, R. S.

SECTION 4. Section 2536, of the revised statutes is hereby amended by striking out the words, "petit jurors shall be summoned at least four days before the sitting of the court; grand jurors shall have such notice as the judge in his order calling such jury shall require to be given," in the seventh, eighth, ninth and tenth lines thereof, and insert in lieu thereof the words, "grand and petit jurors shall be summoned at least four days before the sitting of the court," so that said section, when so amended, shall read as follows: Section 2536 The sheriff or under-sheriff shall summon the persons named in such venires to attend such court

as grand or petit jurors as the case may be, by giving personal notice to each person, or by leaving a written notice at his place of residence with some person of proper age. He shall return such venires to the court at the opening thereof, specifying those who were summoned, and the manner in which each person was notified. Grand and petit jurors shall be summoned at least four days before the sitting of the court. All special venires shall be executed by the officer to whom delivered according to the command thereof.

Amending sec. 2545, R. S.

SECTION 5. Section 2545, of the revised statutes is hereby amended so as to read as follows: Section 2545. Grand jurors shall be summoned to attend each term of the circuit court, unless the judge thereof shall make and file with the clerk, at least fifteen days before the sitting of the said court, an order in writing directing such jury not to be summoned.

SECTION 6. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 98, S.] [Published March 27, 1889.]

CHAPTER 141.

AN ACT relating to judgments in criminal cases and the execution thereof, and amendatory of section 4738, chapter 193, revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 4738, R. S., relating to judgments in criminal cases.

SECTION 1. Section 4738, of chapter 193, of the revised statutes is hereby amended by inserting after the word, "any" where the same first appears in the fifth line of said section the words, "state prison, house of correction or," and by inserting after the word, "not" in the seventh line of said section the words, "such person," so that said section when so amended, shall read as fol-

lows: Section 4738. When any person is convicted of any offense punishable only by imprisonment in the county jail, or by fine, or both, and it is alleged in the indictment, information or complaint, and proved or admitted on the trial that he had been before sentenced to imprisonment, either in any state prison, house of correction or county jail, by any court of this state or of any other state, or of the United States, and that such sentence remains of record, and unreversed, whether pardoned therefor or not, such person may be punished by imprisonment in the county jail, not less than the shortest time fixed for such offense, and not more than one year, or by imprisonment in the state prison, not more than three years nor less than one year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 382, A.] [Published March 27, 1889.]

CHAPTER 142.

AN ACT relating to proceedings in civil actions in courts of record and amendatory of subdivision 3, of section 2614, of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision 3, of section 2614, of the revised statutes of 1878, is hereby amended by inserting after the word, "court," where that word occurs in the third, fourth and tenth lines of said subdivision 3, the words, "or a judge thereof," so that when so amended, said subdivision 3, shall read as follows: If such infant is not a resident of this state and his residence be known, and that fact shall appear by affidavit to the satisfaction of the court, or a judge thereof, and it shall further appear, that such infant has no general or testamentary guardian in this state, the court, or a

Amending subd. 3, sec. 2614, R. S., service of notice for appointment of guardians of infants, court or judge may make order, etc.

judge thereof, may grant an order that notice of an application for the appointment of a guardian for the infant be served upon such infant, if over fourteen years of age, by mailing a copy of said notice and order to such infant, directed to him at his place of residence; if under fourteen years of age, by mailing a copy of said notice and order to the person with whom such infant resides. If the residence of the infant be unknown, the court, or a judge thereof, may grant an order that the service of said notice be made by publication thereof in a newspaper to be designated in such order, as most likely to give notice to such infant, and for such length of time as shall be deemed reasonable, not less than once a week, for four weeks successively.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 364, A.] [Published March 23, 1889.]

CHAPTER 143.

AN ACT to amend section 4793, of chapter 195, revised statutes, entitled, "Of the arrest and examination of offenders, commitment for trial and taking bail."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 4793, R. S., who may admit person to bail charged with murder, etc.

SECTION 1. Section 4793, of the revised statutes is hereby amended so as to read as follows: Section 4793. No officer other than the justice of the supreme court or presiding judge of the circuit court, shall be authorized to admit to bail a person charged with crime of murder or with any offense punishable by imprisonment for life.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 282, A.] [Published March 26, 1889.]

CHAPTER 144.

AN ACT to amend sections 10, 13 and 16, of chapter 377, of the laws of 1885, relating to the state public school.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 377, laws 1885, state public school, transfer of boys to industrial school, when.

SECTION 1. Section 10, of said chapter, is hereby amended by adding thereto the words: "Whenever in the opinion of the board it shall appear for the best interests of a boy committed to said school that he be transferred to the state industrial school for boys, said board shall make the necessary order and cause said boy to be so transferred," so that said section, when so amended, shall read as follows: Section 10. All children now confined in the state industrial school for boys or the state industrial school for girls within the state, who, upon the proper examination by the state board of supervision, shall be found to be of the condition and qualification described by this act, shall, by order of said board, be transferred to the state public school, to be kept and dealt with as prescribed by this act and the rules and regulations made pursuant thereto; and whenever any court or magistrate shall hereafter commit any vagrant child, over three and under fourteen years of age, to either said industrial school for boys or girls, such court or magistrate shall forthwith report the case of such child to said board of supervision, together with the charge upon which such child was arrested and such facts as may be developed on the examination or trial, pertaining to the age or previous condition of such child, and upon the receipt of such report it shall be the duty of said board of supervision to make the same investigation as to condition and qualification, to be sent to the state public school, and if such child shall be found to possess the conditions and qualifications for admission prescribed in this act, then said board shall make the necessary order, transferring said child to said state public school. Whenever, in the opinion of

the board, it shall appear for the best interests o a boy committed to said school that he be trans ferred to the state industrial school for boys, sai board shall make the necessary order and caus said boy to be so transferred.

Expense of conveying children to school, when to be paid by county sending same.

SECTION 2. Section 13, of said chapter is hereb amended by striking out all of said section afte the words, "shall be," in the thirty-fourth an thirty-fifth lines of said section and inserting i place thereof the words, "paid by the county send ing such child or children," so that said section a amended shall read as follows: Section 13. A soon as the state public school buildings are read for the admission of inmates and whenever re quired of by the superintendents of the poor o any county or of the town board of supervisors o any town in counties where the county poor sys tem has not been adopted, and whenever there i room for one or more children in said school fron any county, it shall be the duty of the superin tendent of said school to notify the superin tendents of the poor of such county or the su pervisors of said towns, how many children the can send to said school; that whenever there ar more admissible children in the several counties including those towns not having the count poor system, than can be so received in sai school, it shall be the duty of the superintenden of said school to divide such admissions pro rat among the counties, according to the number o dependent children in each, at the time of suc admission, giving preference to the counties o same or larger population that have had less ad mitted into said school; that whenever the super intendents of the poor of any county, or th supervisors of any such town shall be informed b the superintendent of said school that any de pendent children from their county or town ca be admitted into said school, it shall be their dut to forward them to said school, as provided i this act, as soon as practicable; that the expens of transportation of children to said school, pur suant to law and the expense of returning any o said children to their counties or towns, afte their admission by said board of supervision, a improper inmates of said school, shall be paid b the county sending such child or children.

SECTION 3. Section 16, of said chapter is hereb

amended by striking out all of said section after the words, "traveling expenses," in the twenty-seventh line of said section, and inserting in place thereof the words, "in the same manner as other bills against said state public school are allowed and paid by the state board of supervision," so that said section when amended shall read as follows: Section 16. The state board of supervision is authorized to designate some officer, teacher or other employe connected with said school to act as agent thereof and who shall act in that capacity during the pleasure of said board, and shall be known as the agent of the state public school, and his duties as such agent shall be prescribed by said board and shall include the visiting as often and at such times as the board shall determine, any and all children placed in charge of any person by said board; to inquire into the condition of such children and make such investigation as may be necessary in relation thereto and report the same to said board of supervision; to investigate all applications to take such children by adoption or otherwise, and such suitable persons who are willing to adopt, take charge of or otherwise take and keep any children sent to said school; and to enter into a contract in writing, in behalf and under the instruction of said board, with the persons taking such child; and all such contracts shall contain a clause reserving to said board of supervision the right to withdraw the child from any person having him, when, in the opinion of the board, the welfare of the child requires it. The said agent, while acting as such, shall be paid his necessary traveling expenses, in the same manner as other bills against said state public schools are allowed and paid by the state board of supervision.

Expenses of state agent, how paid.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 242, A.] [Published March 26, 1889.

CHAPTER 145.

AN ACT to amend section 1, of chapter 530, of the laws of 1887, relating to liens on logs, lumber, etc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 530, laws 1887, relating to liens on logs, etc.

SECTION 1. Section 1, of chapter 530, of the laws of 1887, is hereby amended by striking out the word, "Wood," where it occurs in the last line of said section, so that the said section when amended shall read as follows: Section 1. The provisions of chapter 469, of the laws of Wisconsin of 1885, and the several acts amendatory thereof, shall apply to and be in force in Lincoln and Oneida counties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 200, A.] [Published March 27, 1889.

CHAPTER 146.

AN ACT to provide for the docketing of judgments of the United States courts in Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judgments and decrees of U. S. courts may be docketed.

SECTION 1. That the judgments and decrees of the United States courts are hereby authorized to be registered, recorded, docketed and indexed in the offices of the several clerks of the circuit courts of this state.

Duty of clerks of circuit courts respecting.

SECTION 2. It shall be the duty of the several clerks of the circuit courts of this state to receive for registry, recording, docketing and indexing and to register, record, docket and index in the

same manner as decrees and judgments of said circuit courts, but in separate volumes, any decree or judgment of said United States courts, duly certified by the clerk thereof, upon payment of the same fees allowed by law for like services in said circuit court.

SECTION 3. This act to take effect from and after its passage and publication.

Approved March 21, 1889.

[No. 129, A.] [Published March 26, 1889.]

CHAPTER 147.

AN ACT to discontinue a portion of a state road heretofore laid in Monroe county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Discontinuing portion of state road, Monroe county.

SECTION 1. That so much of a state road heretofore laid in Monroe county, Wisconsin, and described as follows: Commencing forty rods south of the southeast corner of the northeast quarter of section number thirty, in township number nineteen north, of range number four west, running thence nearly north through said northeast quarter; also through the east half of section number nineteen; also through the southeast quarter of section number eighteen, terminating at or near the northwest corner of the northeast quarter of the southeast quarter of section number eighteen, in township number nineteen north, of range number four west, in said county of Monroe, be and the same is hereby discontinued.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 21, 1889.

[No. 65, A.] [Published March 26, 1889

CHAPTER 148.

AN ACT to authorize the city of Milwaukee t issue bonds for the erection of school houses.

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

Authorizing city of Milwaukee to issue bonds to build school-houses. How issued.

SECTION 1. The common council of the city Milwaukee is hereby authorized to provide by o dinance for the issue of corporate bonds of sa city, not exceeding in amount two hundred ar fifty thousand dollars, payable in not more tha twenty years after the date of said issue, bearir interest not exceeding the rate of five per cen per annum. Said bonds shall be known as ar called school bonds, and shall be issued excl sively to provide funds for erecting school hous within the city of Milwaukee.

Duty of commissioners of public debt.

SECTION 2. All bonds issued under the provi ions of this act shall be signed by the mayor ar clerk of said city, countersigned by the comptro ler of said city, attested by the commissioners public debt of said city, sealed with the corpora seal of said city, made payable in the lawf money of the United States of America, in tl city of Milwaukee or New York, and shall ea be for the principal sum of one thousand dollar or five hundred dollars, or one hundred dollar and shall have attached thereto interest coupo or warrants for the semi-annual payment of inte est thereon, and such bonds and coupons shall numbered in the form and manner to be desi nated by said comptroller.

Commissioners of public debt to act.

SECTION 3. Bonds issued under the provisio of this act, shall be issued from time to time such amounts as the common council of said ci may determine upon; said bonds, when issued ar properly signed and sealed, shall be delivered the commissioners of public debt of said city ar by that body disposed of, the proceeds arisir therefrom to be paid into the treasury of said cit and such proceeds shall constitute a separate ar distinct fund, to be exclusively applied for t purposes specified in the first section of this a

SECTION 4. The office of commissioner of public debt of said city shall not be abolished while any of the bonds issued under the provisions of this act remain outstanding and unpaid.

Certain provisions of ch. 87, laws 1861, applicable.

SECTION 5. The provisions of sections 2, 6, 7, 8, 9, 10, 11 and 17, chapter 87, of the laws of 1861, applicable and not inconsistent with the provisions of this act, shall apply to bonds issued under the provisions of this act, and such sections, if not inconsistent, are incorporated as a part of this act. The true intent and meaning of this act is to provide for the present issue of bonds in the same manner as bonds issued under the provisions of that act are provided for.

Levy of tax to pay bonds.

SECTION 6. The common council of said city shall annually cause a tax to be levied upon all taxable property in said city, both personal and real, for the payment of the annual interest on all unpaid bonds issued under the provisions of this act, and for twenty years before the principal of said bonds becomes due, the said common council shall annually cause a tax to be levied upon all taxable property in said city both personal and real, equal in amount to five per cent. of all bonds issued under the provisions of this act for a sinking fund to redeem such bonds as the said commissioners of public debt direct to be cancelled.

Cancellation of bonds.

SECTION 7. As soon as a sinking fund shall have been collected and set aside, the said commissioners of public debt shall proceed to cancel bonds in amount equal to the sinking fund so provided.

How cancelled.

SECTION 8. All bonds directed to be paid by said commissioners of public debt shall be, when paid, stamped, "cancelled," and, when so stamped, shall be delivered to the common council of said city, and by that body publicly declared cancelled.

Not to be sold for less than par.

SECTION 9. The commissioners of public debt of said city are hereby prohibited from selling or otherwise disposing of any such bonds at a less valuation than par, that is to say, at less than the principal of said bonds, together with the accrued interest thereon.

SECTION 10. This act shall take effect and be in force on and after the date of its passage and publication.

Approved March 22, 1889.

[No. 467, A.] [Published March 26, 188

CHAPTER 149.

AN ACT to repeal chapter 242, of the private a
local laws of 1857, entitled, "An act to incor
rate the fire department of the city of Jan
ville," and all acts amendatory thereof.

*The people of the state of Wisconsin, represent
in senate and assembly, do enact as follows:*

Repeal of ch. 242, private and local laws 1857.

SECTION 1. Chapter 242, of the private and lo
laws of 1857, and all acts amendatory thereof, i
cluding chapter 50, of the private and local la
of 1858, is hereby repealed.

Officers of fire department to turn over books, etc., to city clerk and treasurer of fire police company.

SECTION 2. Upon the passage and publicati
of this act, the several officers of the fire depa
ment of the city of Janesville shall turn over
the city clerk of said city all books and papers
be kept as city records, and all money to t
treasurer of the Janesville fire police company,
be used towards the purchase of a patrol wag
and other appliances for the said fire pat
company.

SECTION 3. This act shall take effect and be
force from and after its passage and publicatio

Approved March 22, 1889.

[No. 345, A.] [Published March 26, 188

CHAPTER 150.

AN ACT to amend the charter of the city
Wausau.

(See Vol. 2.)

[No. 473, A.] [Published March 23, 1889.]

CHAPTER 151.

AN ACT to amend the charter of the city of Menomonie.

(See Vol. 2.)

[No. 301, S.] [Published March 25, 1889.]

CHAPTER 152.

AN ACT to incorporate the city of Superior.

(See Vol. 2.)

[No. 403, A.] [Published March 26, 1889.]

CHAPTER 153.

AN ACT to organize the town of Harrison, in Lincoln county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that portion of Lincoln county to-wit: Sections one, two, three, four, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty seven, thirty-four, thirty-five and thirty-six, in township thirty-four north of range eight east, and township number thirty-five north, of range eight east, shall hereafter constitute and be known as the town of Organization of town of Harrison.

Harrison. Township thirty-five north of seven east, shall be attached to and const part of the town of Merrill. Sections on eleven twelve, thirteen, fourteen, twenty twenty-four, twenty-five, twenty-six, thir and thirty-six in township thirty-four no range seven east, is hereby detached fro town of Merrill and annexed to the town o sell, in said Lincoln county.

First meeting, when and where held.

SECTION 2. The electors residing within t ritory hereinbefore described shall meet i purpose of organizing said town, and hold first town meeting at the store of the Wis Valley Lumber Company, on section thirty township thirty-five north, of range eight e the first Tuesday of April, 1889, and up election and qualification of town officer town shall be deemed to be fully organiz possessed of all the powers and author towns under the laws of this state.

SECTION 3. This act shall take effect and force from and after April 1st, 1889.

Approved March 23, 1889.

[No. 190, S.] [Published March 26,

CHAPTER 154.

AN ACT to amend section 464, of chapter the revised statutes, entitled, "Of co schools," as amended by chapter 298, general laws of 1883.

The people of the state of Wisconsin, repre in senate and assembly, do enact as follo

Amending sec. 464, R. S., duties of county superintendents.

SECTION 1. Section 464, of chapter 27, of vised statutes, entitled, "of common schoo amended by chapter 298, of the general la 1883, is hereby amended to read as follows: tion 464. Each county superintendent shal before the fifteenth day of August, in each make and transmit to the state superinten report in writing, setting forth the whole n

of towns in his district, distinguishing those from which the required reports have been made to him by the town clerks, and containing an abstract of their reports, and also embracing an abstract of the annual report of the secretary of each free high school in such district, and of each secretary of town board of school directors of towns having the township system of school government, and of the clerk of each incorporated village and city under his supervision. Each county superintendent shall also, within the time above mentioned, make and deliver to the county clerk and to the county treasurer, a written statement of the whole number of children in each town, village and city under his supervision, over the age of four and under the age of twenty years, returned from districts which have maintained schools for six or more months during the past year as appears from the reports of town clerks.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1889.

[No. 188, S.] [Published March 26, 1889.]

CHAPTER 155.

AN ACT to amend section 462, of chapter 27, of the revised statutes, entitled, "Of common schools," as amended by chapter 298, of the general laws of 1883.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 462, of the revised statutes, as amended by chapter 298, of the general laws of 1883, is hereby amended to read as follows: Section 462. It shall be the duty of the district clerk, between the tenth and fifteenth days of July in each year, to make and transmit to the town, city or village clerk a written report, dated

Amending sec. 462 R. S.

on the tenth day of July of such year, signed b him and verified by his affidavit, showing:

Duties of district clerks, reports of.

First. The number of children, male and f male, designated separately, over the age of fou and under the age of twenty years, residing i the district, and the names of their parents c other persons with whom such children resided respectively on the last day of June preceding and the name and age of each child thus include in his report.

Second. The whole number of children, male and females designated separately, between th ages of four and twenty years, taught in the dis trict school during the year, for which such re port is made, by teachers duly qualified.

Third. The number attending school durin the year, under the age of four, and the numbe over the age of twenty years.

Fourth. The whole time, in days, any commo school has been taught in the district, includin holidays, and the whole number of days suc school has been taught by teachers qualified ac cording to law, including holidays and the day the teachers may have attended an institute du ing the year while the school was in session, fo which no deduction in wages was made by th district board.

Fifth. The names of all teachers employe during the year, the number of days taught b each, including holidays, and the monthly wage paid to each; and the time allowed any teache for attendance on any institute, for which n wages were deducted.

Sixth. The amount of money received fro the town treasurer during the year, designatin separately the amount received from apportio ment of the school fund income, the amount r ceived from tax levied by county board of supe visors, the amount received from tax voted b the district, and the amount received from a other sources during the year, and the manner i which the same has been expended, showing se arately the expenditure of school money receive from the state.

Seventh. Such other facts and statistics in r lation to the schools, public or private, in suc district, as the state superintendent may, fro time to time require. The clerk of each joi

school district shall report to the town clerk of each town, a part of which is embraced in such district, the number of children residing in such part, in the manner set forth in this section, and the remainder of the items specified in this section shall be embraced in the report made to the town in which the school house is situated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1889.

[No. 189, S.] [Published March 26, 1889.]

CHAPTER 156.

AN ACT to amend section 463, of chapter 27, of the revised statutes, entitled, "Of common schools," as amended by chapter 298, of the general laws of 1883.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 463 of duties of town clerks.

SECTION 1. Section 463, of chapter 27, of the revised statutes, entitled, "Of common schools," as amended by chapter 298, of the general laws of 1883, is hereby amended to read as follows: Section 463. Each town clerk shall, on or before the first day of August in each year, make and transmit to the county superintendent of the county or district in which his town is situated a report bearing date on the tenth day of said month stating:

1. The whole number of school districts separately set off within the town, and the number of parts of joint districts in which the school houses belonging thereto are located in his town.

2. The districts and parts of districts from which reports shall have been made within the time limited for that purpose.

3. The length of time a school shall have been taught in each such district or parts of districts.

4. The amount of public money received in each.

5. The number of children taught in each, and the number of children over the age of four and under the age of twenty years residing in each.

6. The whole amount of money received in the town for school purposes since the date of the last preceding report, setting forth, separately the amount received from the state through the county treasurer, the amount levied by the county board, the amount raised by the town at its annual meeting, in towns where the township system of school government has been adopted.

7. The amount of money raised by district tax for school purposes.

8. The manner in which said moneys have been expended, and whether any and what part remains unexpended, with such other information as the state superintendent may require, and as may be reported to him by the district clerks.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1889.

[No. 178, S.] [Published March 26, 1889.

CHAPTER 157.

AN ACT to provide for additional clerical force in the office of state superintendent.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing additional clerks for state superintendent.

SECTION 1. The state superintendent may employ such additional clerks in his office as shall be necessary to the correct, prompt and efficient discharge of the duties imposed upon him by law and fix their compensation, which shall be paid out of the state treasury; provided, that the salary of no clerk hereby authorized shall exceed the sum of one thousand dollars per annum, and that the aggregate amount annually expended for such additional clerical force shall not exceed the sum of sixteen hundred dollars per annum.

by appropriated a suf- Appropriation.
rry out the provisions

l take effect and be in
ssage and publication.

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lished March 26, 1889.]

R 158.

city of Portage, and
32, laws of Wisconsin

Visconsin, represented
o enact as follows:

chapter 132, laws of Amending ch. 132, laws 1882.
adding to said section
25th. To grant fran-
ations for the manu-
the establishment of
ephone exchanges, or
orks. Any such cor-
vhom a franchise for
granted, may by con-
e proper authorities of
sive right to manufac-
a certain number of
d, however, that any
all not be for a longer
n the granting of the
se granted under this
red by the parties or
ted, without the con-
of the city.

chapter 132, laws of Powers of council.
mended by inserting
re it occurs in the fifth
owing: Fifty per cen-
y, in the discretion of
omoting the commerce
ty.

SECTION 3. This act shall be in force from an after its passage and publication.

Approved March 25, 1889.

[No. 254, A.] [Published April 1, 1889

CHAPTER 159.

AN ACT to amend the charter of the city o Milwaukee.

(See Vol. 2.)

[No. 47, A.] [Published March 27, 1889.

CHAPTER 160.

AN ACT authorizing the common council of th city of Milwaukee to remit the taxes upon th Layton Art Gallery and to redeem or cance certificates of sale thereof.

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

Remitting taxes of Layton Art Gallery, Milwaukee.

SECTION 1. The common council of the city o Milwaukee are hereby authorized and empowere to remit to the Layton Art Gallery, an incorpora tion in said city created for the purpose of main taining, regulating and managing a public ar gallery, any and all taxes levied upon or charge against the property of said corporation for th year 1888, and to redeem or cancel any certificat or certificates of sale that may have been issue or may hereafter be issued for the non-paymen of any such tax or any part of it so as to relie said Layton Art Gallery from payment of th same.

SECTION 2. This act shall take effect and b

in force from and after its passage and publication.

Approved March 25, 1889.

[No. 502, A.] [Published March 28, 1889.]

CHAPTER 161.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 432, A.] [Published March 26, 1889.]

CHAPTER 162.

AN ACT to amend the charter of the city of New London.

(See Vol. 2.)

[No. 680, A.] [Published March 26, 1889.]

CHAPTER 163.

AN ACT to amend the charter of the city of New London.

(See Vol. 2.)

[No. 354, A.] [Published March 26, 1889

CHAPTER 164.

AN ACT to amend sections 2 and 3, of chapte 322, of the private and local laws of 1863, ent tled, "an act to incorporate the Portage, Liede Kranz Society."

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

Amending ch. 322, P. & L. 1863. Portage Lieder Kranz Society.

May issue bonds.

SECTION 1. Section 2, of chapter 322, of the pr vate and local laws of the year 1863, is hereb amended so as to read as follows: Section The said society shall have power to issue bond or certificates of stock, to enable it to erect suitable building for a hall; to contract and t contracted with, to sue and be sued, to plead an be impleaded, to answer and be answered unt to defend and to be defended, in all courts of la and equity in the state, and shall have perpetu succession and to be vested with all the powe and privileges necessary to carry out and fulfill th object of their corporation

May have constitution and by-laws.

SECTION 2. Section 3, of said chapter 322, hereby amended so as to read as follows: Sectio 3. This corporation shall have further power t establish for its government a constitution an by-laws, not inconsistent with the constitutio and laws of this state, to have and use a commo seal and to alter the same at pleasure, and to tak by gift, grant or devise, and to hold and conve real and personal property not exceeding in valu twenty thousand dollars.

SECTION 3. This act shall be in force from an after its passage and publication.

Approved March 25, 1889.

[No. 349, A.] [Published March 26, 1889.]

CHAPTER 165.

AN ACT to regulate the election of supervisors in counties containing not less than one hundred thousand inhabitants.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To regulate election of supervisors in counties of 100,000 inhabitants.

SECTION 1. In all counties within this state which have a population of not less than one hundred thousand inhabitants, the supervisors elected in the year 1889, shall hold their office for the term of three years; the supervisors elected in such counties in the year 1890, shall hold their office for the term of two years, and thereafter all supervisors elected in such counties shall hold their office for the term of two years.

Conflicting acts repealed.

SECTION 2. All acts or parts of acts which conflict with or in any manner contravene the provisions of this act, are hereby modified or repealed to the extent that the true intent and meaning hereof, may be carried into effect.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1889.

[No. 204, A.] [Published March 26, 1889.]

CHAPTER 166.

AN ACT to amend section 2626, of chapter 119, of the revised statutes, relating to change of place of trial.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 2626 R. S. relating to change of place of trial.

SECTION 1. Section 2626, of said chapter is hereby amended by inserting after the word, "exist," at the end of the second line, the words, "and shall be sent for trial into an adjoining circuit

when an affidavit for prejudice of the judge is filed," so that said section when so amended shall read as follows: Section 2626. When the place of trial shall be changed, it shall be changed to some county where the cause complained of does not exist; and shall be sent for trial into an adjoining circuit, when an affidavit for prejudice of the judge is filed, and except under the provisions of the next preceding section, no such change shall be made in any action after one continuance had, on the motion of the party applying for a change, unless it shall appear to the court that the cause therefor was discovered or developed after such continuance.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1889.

[No. 208, A.] [Published March 28, 1889.]

CHAPTER 167.

AN ACT to amend section 1447, of chapter 59, of the revised statutes, relating to cemeteries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 1447 R. S. relating to cemeteries, associations in cities of 100,000 inhabitants may take and hold 160 acres of land.

SECTION 1. Section 1447 of chapter 59, of the revised statutes, as amended by chapter 42, of the laws of 1882, and chapter 165, of the laws of 1885, is hereby amended by inserting after the word, "inhabitants," in the eighth line thereof, the following words, "and less than one hundred thousand inhabitants," and after the words, "sixty acres of land," in the ninth line thereof, the following words, "but when near to and without the limits of a city of one hundred thousand inhabitants or more, such association may so take, hold and use not exceeding one hundred and sixty acres of land," so that said section when amended shall read as follows: Section 1. Any cemetery association which shall have been organized under any laws of this state may take by gift or

purchase, and hold not exceeding forty acres of land, to be held and occupied exclusively for the burial of the dead, and personal property not exceeding ten thousand dollars in value, which shall be applied to promote the objects of the association; but when the cemetery grounds of any such association are situated near to and without the limits of a city of more than ten thousand inhabitants and less than one hundred thousand inhabitants, such association may so take, hold and use not exceeding sixty acres of land; but when near to and without the limits of a city of one hundred thousand inhabitants or more, such association may so take, hold and use not exceeding one hundred and sixty acres of land. Such land or such portion thereof as may from time to time be required for burial purposes, shall be surveyed and divided into lots of such size and with such avenues, alleys and walks as the trustees may deem proper; and maps of said surveys shall be filed and recorded in the office of the register of deeds before any lots designated thereon can be sold and conveyed by the trustees of such association, as provided in the next section, and for a failure so to do, each trustee shall forfeit twenty-five dollars. Every such association and every city, village or town owning land used for cemetery purposes may also take and hold in trust and loan, invest or otherwise dispose of according to the trust money or other property for the purpose of expending the income arising therefrom, or the proceeds thereof, in embellishing and keeping in repair such lot or lots, and the surroundings in its cemetery, as the donor may designate. Every such association may erect upon the lands belonging to it, a suitable building for holding burial services therein.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1889.

[No. 150, S.] [Published March 26, 188

CHAPTER 168.

AN ACT to amend section 1987, of chapter 90, the revised statutes of 1878, entitled, "Of orga izations for protection against fires."

The people of the state of Wisconsin, represent in senate and assembly, do enact as follows:

Amending sec. 1987.

SECTION 1. Section 1987, of the revised statut is hereby amended so as to read as follows: S tion 1987. The members of the paid fire or pol department of any city, now or hereafter orga ized, are constituted a body corporate in such ci under the name of "the firemen relief associati of the city of ——," or "the policemen relief as ciation of the city of ——," as the case may for the purposes of giving relief to its sick a disabled members and their families; and in ca any member of such association shall cease to with the fire or police department of which he been a member, he shall continue to enjoy all t advantages and benefits of the association so lo as he complies with the rules, regulations and laws of the same, and pays his dues; and eve such association shall have all the usual pow of a corporation necessary and proper for the p poses of its organization, and may take by g grant, purchase or otherwise, real and perso estate not exceeding fifty thousand dollars value, and hold, enjoy, lease, convey and dispose the same subject to the by-laws and regulatio of such corporation; and such property shall devoted solely to the purposes and objects of su corporation.

Firemen relief associations in cities.

SECTION 2. This act shall take effect and be force from and after its passage and publicatio

Approved March 25, 1889.

[No. 110, S.] [Published March 28, 1889.]

CHAPTER 169.

AN ACT to authorize the city of Berlin to borrow money to pay its floating indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing city of Berlin to issue bonds and borrow money of commissioners of public lands.

SECTION 1. The city of Berlin is hereby authorized and empowered, for the purpose of paying its floating indebtedness, to borrow a sum of money not to exceed fourteen thousand dollars, at a rate of interest not to exceed five per cent. per annum, and to issue its bonds therefor; provided, that said city may, at the option of its common council, borrow any part or the whole of said sum of the commissioners of the public lands, and issue certificates of indebtedness therefor. Said bonds (and said certificates, if they shall be issued) shall be conditioned so that the sum of two thousand dollars of the amount borrowed shall become due and payable February 1, A. D. 1897, and the further sum of two thousand dollars shall become due and payable on the first day of February in each and every year thereafter till the whole sum borrowed shall have been paid. Interest shall be payable February 1, 1890, and annually thereafter; and in case bonds shall be issued, the same shall be payable at the office of the city treasurer in said city.

May raise tax to pay bonds.

SECTION 2. Said city shall annually, during the continuance of said loan, raise, by tax, a sum sufficient to pay the interest thereon, and shall also raise, in the same manner, in the year A. D. 1896, and annually thereafter, a sum sufficient to pay the principal then about to become due; and the city clerk shall insert said amounts in the tax roll, and the same shall be collected as other taxes of said city are collected; and when collected, the same shall be applied in payment of said loan and interest, and for no other purpose.

Commissioner authorized to make loan.

SECTION 3. The commissioners of the public lands are hereby authorized and empowered to loan a portion of the trust funds of this state, not exceeding the sum of fourteen thousand dol-

lars, to the city of Berlin, at a rate of interest
be agreed upon between said commissioners a
the common council of said city, not to exc
five per cent. per annum; and to take from s
city its certificates of indebtedness therefor,
such form as said commissioners shall prescr
and require, the same to become due as p
vided in section 1, of this act; and the
upon the taxable property of said city sh
stand chargeable with the repayment of s
loan and interest at the times before stated; a
the secretary of state shall, at the same time
certifies to county clerks the amount of the st
tax levy, certify to the city clerk of said city
amount which will become due for that year
principal or interest of said loan; and thereup
the city clerk shall insert the amount so certi
in the tax roll, as a tax upon the property of s
city, without any other or further authority to
collected as other taxes are collected, and by
treasurer of said city, paid to the state treasu
upon said loan.

SECTION 4. This act shall take effect and be
force from and after its passage and publicati

Approved March 25, 1889.

[No. 598, A.] [Published March 26, 18

CHAPTER 170.

AN ACT to amend the charter of the city
Milwaukee.

(See Vol. 2.)

[No. 205, S.] [Published March 27, 1889.]

CHAPTER 171.

AN ACT to incorporate the city of Medford.

(See Vol. 2.)

[No. 202 S.] [Published March 26, 1889.]

CHAPTER 172.

AN ACT requiring the state treasury agent to make an annual report.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Requiring state treasury agent to make annual report to governor.

SECTION 1. It shall be the duty of the state treasury agent to make an annual report to the governor, at the end of each fiscal year; which report shall contain a statement of all the money received and disbursed by him, giving the names and post-office addresses of the parties from whom such sums were collected; and such report shall also contain any other matter which the governor may require, relating to the duties of said treasury agent

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1889.

[No. 210, A.] [Published March 26, 18

CHAPTER 173.

AN ACT to repeal chapter 298, of the general la of the state of Wisconsin for the year 1873, titled, "An act to authorize Wood county build and maintain a free bridge across Wisconsin river at Grand Rapids, on sect eight, town twenty-two, range six east.

The people of the state of Wisconsin, represen in senate and assembly, do enact as follows:

Repealing ch. 298, laws 1873, bridge across Wisconsin river.

SECTION 1. All of chapter 298, of the gene laws of Wisconsin for the year 1873, is here repealed.

SECTION 2. This act shall take effect and be force from and after its passage and publicati

Approved March 25, 1889.

[No. 325, S.] [Published March 27, 188

CHAPTER 174.

AN ACT to amend chapter 124, of the laws of 18 entitled, "An act to provide for the separ publication of reports of Washburn observat and of the departments of agriculture and m chanic arts in Wisconsin university."

The people of the state of Wisconsin, represen in senate and assembly, do enact as follows:

Amending ch. 124, laws 1881, providing for separate publication of reports of Washburn observatory.

SECTION 1. Section 1, of chapter 124, of the la of 1881, is hereby amended by striking out words, "annually or oftener," where they oc in the third line of said section, and also by serting after the word, "observatory," where occurs at the end of the fourth and beginn of the fifth line of said section the words, "a by other investigators connected with the u versity," so that the section as amended sh

read: Section 1. The board of regents of Wisconsin university are hereby required to report to the governor the results of important investigations conducted by the director of Washburn observatory, and by other investigators connected with the university, and also the results of such experiments in said university relating to agriculture or the mechanic arts as said board may deem to be of special value for the promotion of the agricultural and mechanical interests of Wisconsin; and with the approval of the governor not less than fifteen hundred of each of said reports may be printed by the state printer in separate form, on good paper and otherwise in such manner and with such appropriate quality of binding as the commissioners of public printing shall order and prescribe.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1889.

[No. 380, A.] [Published March 28, 1889.]

CHAPTER 175.

AN ACT to amend the charter of the city of Cedarburg.

(See Vol. 2.)

[No 253, A.] [Published March 28, 1889

CHAPTER 176.

AN ACT to provide for the payment of certain amounts into the county treasury by executors administrators and guardians, in lieu of fees in all counties whose population exceeds one hundred and fifty thousand.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Providing for payment by executors, administrators and guardians of certain amounts into county treasury in lieu of fees.

SECTION 1. Every executor, administrator or guardian appointed by the county court of any county whose population exceeds one hundred and fifty thousand shall, in all cases of the administration of estates and of guardianship hereafter commenced in said court, and in all cases now pending in said court in which the inventory has not been returned and approved according to law pay to the county treasurer of such county for the use thereof, a sum equal to one-half of one per cent. of the appraised value of such estate or property of a ward, as shown by the inventory and appraisal, or established in accordance with chapter 262, of the laws of 1880; provided however, that when the value of any estate or property of ward shall exceed five hundred thousand dollars the executor, administrator or guardian, shall pay to the county treasurer as aforesaid one half of one per cent. of the five hundred thousand dollars, and one tenth of one per cent. of the value of said estate or property over and above said sum of five hundred thousand dollars. "Provided, further, that estates of three thousand dollars or less, shall be exempt from the payment of probate fees." Such sums shall be paid at the time of the return and approval of the inventory, or whenever the county judge shall have ascertained the amount of the estate, as provided in chapter 262, of the laws of 1880. And no account of any executor, administrator or guardian, shall be allowed without proof of the payment thereof, and the same shall constitute a part of the expense of administration and guardianship. In fixing the value of any estate or prop-

erty of ward for the purposes of this section, the amount of existing specific liens shall be deducted from the gross valuation of such estate or property.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this section, including all that part of section 2483, revised statutes of 1878, which provides for the payment of fees to the county treasurer in settlement of estates or guardianship, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1889.

[No. 216, A.] [Published March 28, 1889.]

CHAPTER 177.

AN ACT to amend the charter of the city of Chippewa Falls.

(See Vol. 2.)

[No. 111, S.] [Published March 28, 1889.]

CHAPTER 178.

AN ACT to amend the charter of the city of Berlin.

(See Vol. 2.)

[No. 174, A.] [Published March 28, 188

CHAPTER 179.

AN ACT to amend chapter 127, laws of 1879

The people of the state of Wisconsin, represent in senate and assembly, do enact as follows:

Amending ch. 127, laws of 1879.

SECTION 1 .That the words, or name, "George Ray," whenever they appear in any part of cha ter 127, laws of 1879, be, and the same are here stricken out, and the words, or name, of Jam H. Reddan are hereby inserted in lieu of sa words, or name, "George H. Ray."

Conferring powers heretofore granted to George H. Ray, upon James H. Reddan, for improvement of Cawley creek.

SECTION 2. Section 2, of chapter 127, laws 1879, is hereby amended so as to read as follov Section 2. Whenever the said James H. Redda his associates or assigns, shall have expend (including what has been expended in impro ments in said Cawley creek) the sum of t thousand dollars, said James H. Reddan, his as ciates or assigns, in consideration of the bui ing, maintaining and operating said dam or da and other improvements, and the facilities there obtained for floating and driving logs and ti ber on said Cawley creek, shall be and a hereby authorized and permitted to charge a entitled to collect and receive of any and persons owning or controlling logs or timber, either, in said Cawley creek, thirty cents p thousand feet board measure, as toll on all lo and timber designated and intended to be driv or floated down said Cawley creek. The amou of said logs and timber to be determined by a under the direction of the lumber inspector the district in which said Cawley creek is situ ated, or by mutual agreement of parties.

Lien for tolls.

SECTION 3. Section 4, chapter 127, laws 1879, amended by adding to the end thereof, the f lowing: And in addition to enforcing said li may sue for and collect the amount due as tol authorized to be collected on such logs or timb in any court of competent jurisdiction as a de against the owner of said logs, or the person sponsible for their driving, unless the wh amount owing on such logs or timber is pa

within ten days after such logs or timber, or portion thereof, are driven or floated out of said creek.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 25, 1889.

[No. 377, S.] [Published March 27, 1889.]

CHAPTER 180.

AN ACT to amend the charter of the city of Barron.

(See Vol. 2.)

[No. 398, S.] [Published March 28, 1889.]

CHAPTER 181.

AN ACT to create a municipal court for Douglas county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby created and established in and for Douglas county a municipal court, with the powers and jurisdiction hereinafter specified and provided. Creating municipal court for Douglas county.

SECTION 2. On the first Tuesday of April, 1889, and every two years thereafter, there shall be elected in Douglas county, in the same manner that county judges are elected, a municipal judge, who shall be a regularly admitted attorney of a court of record, and shall hold his office for the term two years from the first Monday in May after his election, and until his successor is elected and qualified. But no failure to give notice of said first election shall, in any manner, invalidate the same; and in case of failure to Election of judge.

elect said judge on said day, it shall be the du
of the governor to fix by proclamation a day f
an election under this act. In case of vacancy
the office of muncipal judge, the vacancy sh
be filled by appointment by the governor, a
appointee shall continue in office for the resid
of the term for which his predecessor was elect

Jurisdiction and powers.

SECTION 3. The municipal judge of Dougl
county shall have jurisdiction in civil matters ov
such subjects as justices of the peace have juri
diction where the amount claimed does not exce
five hundred dollars and to hear, try and dete
mine all criminal actions arising in said coun
not punishable in the state prison, and to hold
bail all persons charged with other offenses again
the laws of this state, and exclusive jurisdicti
of all penalties and offenses against the chart
ordinances and by-laws of the city of Superio
and shall have all the jurisdiction of a justice
the peace and police justice of said county. T
practice and procedure in said court, as far
practicable, shall comply with the laws of justi
courts; and transcripts of its judgments may
with like effect filed with the clerk of the circu
court of said county. All appeals, civil a
criminal, from said court may be taken in t
same way and with like effect as from courts
justices of the peace. The judge thereof, sh
have the same power to sentence and commit
persons convicted of any offense over which
has jurisdiction to try and finally determine, th
circuit judges or justices of the peace may ha

Oath of judge to be filed.

SECTION 4. Said judge shall file his oath of offi
and official bond in manner and form as p
vided for justices of the peace.

To keep separate dockets.

SECTION 5. The said judge shall keep separa
dockets for civil and criminal matters, respectivel
they shall be kept in the same manner, as far
applicable, as dockets of justices of the peace a
required to be kept.

Fees of judge.

SECTION 6. It shall be lawful for the said mu
cipal judge to charge and collect the same fees
all civil and criminal actions in his court, as a
allowed by law to justices of the peace. All fe
fines and penalties, by him collected in state cas
it shall be his duty to pay over, at the end of ea
month, to the treasurer of Douglas county.
fees, fines and penalties by him collected by v

tue of the charter, ordinances and by-laws of the city of Superior, it shall be his duty to pay over at the end of each month to the treasurer of said city. He is entitled to and may charge and collect, for his own use, the same fees in all civil matters as are allowed to justices of the peace, and one dollar in addition thereto, for every civil action commenced in his court. It shall further be the duty of said judge to keep, in a separate book provided therefor, an itemized account of all moneys by him received by virtue of his office, which said book shall be a part of said court's records. Said itemized account of all moneys so received shall, at the expense of Douglas county, be once published in the official paper of said city, during the first week of each succeeding month.

Fines and penalties collected to be paid to county treasurer, etc.

SECTION 7. Sheriffs and constables of Douglas county and the police officers of the city of Superior shall serve and execute the processes of this court.

Processes of court, how served.

SECTION 8. In case it shall be made to appear in the same manner and for the same causes as in justice court, that the municipal judge is disqualified to try any matter pending before him, and in case of the absence, sickness or temporary disability of said judge, he may, by order in writing, to be filed in said court, appoint a qualified justice of the peace of said county, to discharge the duties of such judge during such absence, sickness or disability, who shall have all the powers of such judge while administering such office.

Disqualification of judge.

SECTION 9. No action shall be removed from said court for trial; but when it shall appear that the judge thereof is disqualified by reason of prejudice or other cause to try the case, he shall, so as aforesaid, call in a justice of the peace to try the same.

Removal of causes

SECTION 10. Nothing herein contained shall deprive the circuit court of Douglas county of jurisdiction of any action now given by law.

Not to interfere with jurisdiction of circuit court.

SECTION 11. The judge of said municipal court shall daily hold his court in some suitable room in the city hall, city of Superior, to be provided, furnished, heated and lighted, under the direction of said judge, by the city, without any expense to Douglas county; but the judge thereof shall have power, in his discretion, to try any case, matter or proceeding in some suitable room

Court, when and where to be held.

in the court house of Douglas county, wheneve he may deem it convenient for himself, witnesse or parties. All needful stationery, and all blank required by said court in criminal actions and ex aminations, and the judge's dockets shall be fur nished at the expense of Douglas county.

Salary of judge

SECTION 12. For his services in criminal matter the said judge shall receive, in addition to the com pensation hereinbefore provided, a salary of on thousand dollars per year, to be paid quarterly one-half of which shall be paid by the city of Su perior, and one half by Douglas county.

Judgments may be set aside.

SECTION 13. The said municipal judge may, i his discretion, at any time within twenty day after judgment in any civil case, upon his ow motion, or on the motion of any party in the ac tion, all parties to the action who appeared there in, having three days' notice, set aside any verdic or judgment, and modify or reverse any proceed ing or judgment of his court, and grant new trial for errors of law or fact.

Office of police justice abolished.

SECTION 14. On and after the first day of oper ing court under this act the office of police ju tice in the city of Superior is abolished, anythin in any municipal charter to the contrary no withstanding.

Repeal.

SECTION 15. This act shall be in force from an after its passage and publication; and chapt 467 of the laws of 1887, entitled, "An act creatin a municipal court for Douglas county," is hereb repealed.

Approved March 28, 1889.

[No. 872, A.] [Published March 28, 1889

CHAPTER 182.

AN ACT to amend the charter of the city Milwaukee.

(See Vol. 2.)

[No. 434, A.] [Published March 29, 1889.]

CHAPTER 183.

AN ACT to amend the charter of the city of Marinette.

(See Vol. 2.)

[No. 540, A.] [Published March 30, 1889.]

CHAPTER 184.

AN ACT to amend the charter of the city of Eau Claire.

(See Vol. 2.)

[No. 905, A.] [Published April 3, 1889.]

CHAPTER 185.

AN ACT to extend the time for the making, hearing and determination of motions for new trials, filing exceptions and taking other proceedings in actions tried at the January, 1889, term of the circuit court for the second judicial circuit, and to relieve parties in said court from certain effects of chapter 50, of the laws of 1889.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extending time on motions, filing exceptions, etc., in second judicial circuit and amending chapter 50, laws of 1889.

SECTION 1. In any action heretofore tried in the circuit court for the second judicial circuit during the term thereof begun in the month of January, 1889, and in which a verdict shall have been rendered by a jury, a motion for a new trial thereof may be made and exceptions to the judge's charge may be filed, and any and all proceedings now re-

quired by law to be had or taken therein at t
same term at which such action was tried may
had or taken, at any time before the first Mond
in May, 1889; and every such motion or procee
ing in such action, and any motion for a ne
trial heretofore made in any such action and n
decided prior to March 4, 1889, shall be heard a
determined by the judge of said court at a
time prior to said first Monday in May, 1889,
the same manner and with the same force a
effect as though done at the said January, 188
term; and any and all exceptions to the judge
charge in any such action, filed in the office
the clerk of said court after the second day
March, 1889, and before the first Monday in Ma
1889, shall have the same force and effect
though filed during the said January term of sa
court; and for the purposes of making any su
motion or filing such exceptions or taking a
such proceeding, and of the hearing and determ
nation of such motions, the said circuit court sh
be deemed open at all times until said first Mo
day in May, 1889, as of the said January term
said court, chapter 50, of the laws of 1889, to t
contrary notwithstanding.

SECTION 2. This act shall take affect and be
force from and after its passage and publicatio

Approved March 28, 1889.

[No. 6, S.] [Published April 2, 188

CHAPTER 186.

AN ACT to amend section 3164, of revis
statutes of 1878, relating to interest.

*The people of the state of Wisconsin, represent
in senate and assembly, do enact as follows:*

Amending section 3164, R. S., relating to interest, judgments in foreclosure.

SECTION 1. Section 3164, of the revised statut
of the state of Wisconsin, is hereby amended
striking out the words, "of ten per centum p
annum," where they occur in the second line
said section, and inserting in place thereof, t

following words, to-wit: "provided to be paid on the mortgage debt;" so that said section when amended shall read as follows: Section 3164. The amount adjudged to be due in the judgment shall draw interest, at the rate provided to be paid on the mortgage debt, from its date until the date of sale or payment, and all installments which shall become due after the date of such judgment, shall draw interest at the same rate from the time the same shall become due. The court may also, in the judgment, enjoin the defendants, and all persons claiming under them, from committing any waste, or doing any act, that may impair the value of such premises at any time after the date of the judgment.

SECTION 2. This act shall take effect and be in force from and after the date of its passage and publication.

Approved March 28, 1889.

[No. 49, S.] [Published March 30, 1889.]

CHAPTER 187.

AN ACT to amend chapter 367, of the laws of Wisconsin for the year 1887, entitled, "An act to authorize the judge of the twelfth judicial circuit to subscribe for law reports for said court."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending chapter 367, laws 1887, any circuit judge may, subscribe for reports.

SECTION 1. Section 1, of chapter 367, laws of 1887, be and the same is hereby amended by striking out the words, "the circuit judge of the twelfth judicial circuit," in the first line thereof, and inserting in lieu thereof, the words, "any circuit judge."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1889.

[No. 342, S.] [Published March 29, 188

CHAPTER 188.

AN ACT to amend the charter of Milwaukee

(See Vol. 2.)

[No. 400, A.] [Published April 3, 188

CHAPTER 189.

AN ACT to amend the charter of Shawano.

(See Vol. 2.)

[No. 223, A.] [Published April 3, 188

CHAPTER 190.

AN ACT to amend the charter of the city Neillsville.

(See Vol. 2.)

[No. 499, A.] [Published March 30, 1889.]

CHAPTER 191.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 884, A.] [Published April 3, 1889.]

CHAPTER 192.

AN ACT to amend the charter of the city of Oconto.

(See Vol. 2.)

[No. 333, S.] [Published March 30, 1889.]

CHAPTER 193.

AN ACT to appropriate a sum of money to M. L. O'Rourke.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to M. L. O'Rourke.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of seventy-five dollars to M. L. O'Rourke.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1889.

[No. 276, S.] [Published April 2, 18

CHAPTER 194.

AN ACT to provide for the payment of the of ating chaplain of the senate.

The people of the state of Wisconsin, represente senate and assembly, do enact as follows:

Appropriation to pay chaplain of senate.

SECTION 1. The sum of one hundred and f dollars in full, is hereby authorized to be paid Rev. H. Stone Richardson for his services as ch lain of the senate, during the session of the le lature for the year 1889.

SECTION 2. There is hereby appropriated of any money in the treasury not otherw appropriated, a sufficient sum to carry out provisions of this act.

SECTION 3. This act shall take effect and be force from and after its passage and publicat

Approved March 28, 1889.

[No. 401, S.] [Published March 29, 18

CHAPTER 195.

AN ACT to amend the charter of the city Wausau.

(See Vol. 2.)

[No. 228, A.] [Published April 2, 1889.]

CHAPTER 196.

AN ACT to legalize the official acts of Michael Bink, as justice of the peace.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The official acts of Michael Bink, of the town of Belgium, Ozaukee county, Wisconsin, as a justice of the peace in and for the years 1886 and 1887, in and for the county of Ozaukee, are hereby declared to be as valid in all respects as if he had filed his oath of office together with his official bond, duly approved by the chairman of the town of Belgium, Ozaukee county, Wisconsin, with the clerk of the circuit court of Ozaukee county, Wisconsin, within the time and as is required by law. Legalizing acts of Michael Bink, justice of the peace.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1889.

[No. 174, S.] [Published April 1, 1889.]

CHAPTER 197.

AN ACT to revise the charter of the city of Antigo.

(See Vol. 2.)

[No. 913, A] [Published April 3, 18

CHAPTER 198.

AN ACT to amend the charter of the city
Mayville.

(See Vol. 2.)

[No. 922, A.] [Published April 1, 18

CHAPTER 199.

AN ACT to amend chapter 543, of the laws
1887, relating to elections.

The people of the state of Wisconsin, represen
in senate and assembly, do enact as follows:

Registry of electors in Chippewa county.

SECTION 1. Section 2, chapter 543, of the la
of 1887, is hereby amended by adding thereto
following: Provided that in judicial election
Chippewa county the registry made for the
previous general election may be used.

Chapter 543, laws of 1887, to apply to municipal electors.

SECTION 2. Chapter 543, or the laws of 1887
hereby made to apply to all municipal electi
hereafter held in the city of Chippewa Falls, W

SECTION 3. This act shall take effect upon
passage and publication.

Approved March 30, 1889.

[No. 10, A.] [Published April 3, 1889.]

CHAPTER 200.

AN ACT to amend sections 1 and 2, of chapter 353, of the laws of 1887, entitled, "An act to protect children, and to provide for their removal from the custody of their parents or guardians in certain cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending section 1, chapter 353, laws 1887, giving municipal judge jurisdiction.

SECTION 1. Section 1, of chapter 353, of the laws of 1887, is hereby amended by inserting the words, "or municipal," between the words "county" and "judge," where the word judge occurs the second time in said section 1, so that said section, as amended, will read: Section 1. Whenever proper affidavit shall be made before any county or municipal judge, in any county in the state of Wisconsin that the physical or moral welfare of any child in such county is seriously endangered by the neglect, abuse or the vicious or immoral habits or associations of its parents or parent, guardian, or by any person having the custody of such child, or that the physical or moral welfare of any such child is seriously endangered by the inability, refusal or neglect of such parents, parent or guardian or custodian to properly care for such child, it shall be the duty of such county or municipal judge to summon witnesses as to the facts set forth in such affidavit; and also such parents or parent, guardian or custodian of such child; and if the proofs be sufficient to establish the facts set forth in such affidavit, and to warrant public interference with the custody of such child, it shall be the duty of such judge to cause such child to be removed from the custody of such parents or parent, guardian or custodian, and provide with a home, or such place for safe keeping and provision of such child as may be available and in his best judgment most suitable.

SECTION 2. Section 2, of said chapter 353, is hereby amended by inserting between the word, "county" and the word "judge," in the last line

Amending section 2, chapter 353. Not to be removed without written consent of judge.

of the section, the words, "or municipal," so tha said section 2, as amended, will read: Section It shall be unlawful for said parents or paren guardian or custodian to interfere with or remov such child from the place so provided, withou the written consent of such county or municipa judge.

SECTION 3. This act shall take effect and be i force from and after its passage and publicatio

Approved March 30, 1889.

[No. 455, A.] [Published April 3, 1889.

CHAPTER 201.

AN ACT to amend chapter 291, of the laws o 1880, entitled, "An act relating to the equaliza tion of assessments."

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

Equalization of assessments, amending section 3, chapter 291, laws 1880.

SECTION 1. Section 4, of chapter 291, of th laws of 1880, is hereby amended so as to read a follows: Section 4. The said commissioners, be fore proceeding to the discharge of their duties shall severally take and subscribe an oath or affir mation, faithfully and impartially to discharg their duties under this act; they shall be entitle to receive four dollars each for every day in whic they shall be actually employed in the discharg of their said duties, in addition to their actua expenses; the same with all other expenses con nected with the making of the application and th subsequent proceedings, to be audited and allowe by the county board of supervisors, whose dut it shall be to charge all such costs and expense back to the towns, cities and villages whose as sessments are raised by the report of the com missioners, in proportion to the amount suc towns, cities and villages are raised by such report if, however, the decision of the commissioners i adverse to the town, city or village making th

appeal, such town, city or village shall re-imburse the county for all expenses paid.

SECTION 2. Section 5, of chapter 291, of the laws of 1880, is hereby amended so as to read as follows: Section 5. This act shall apply to the action or decision of any county board made or taken during the year 1888, as well as to future actions or decisions, and shall take effect and be in force from and after its passage and publication.

Made applicable to year 1888.

Approved March 30, 1889.

[No. 72, A.] [Published April 4, 1889.]

CHAPTER 202.

AN ACT to authorize the city of Milwaukee to pension widows and children of members of the fire and police departments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee is hereby authorized to pay annually to the widow and children and dependent widowed mother of any member of the fire or police departments of said city, who have been killed since the first day of February, 1889, or who may hereafter be killed in the actual discharge of his duties, such sum of money as a pension for such time as it may deem proper; such sum not to exceed one-half of the annual salary drawn by said member; provided, that such pension shall cease upon the remarriage of said widow or upon other cessation of dependency of such children or widowed mother.

Authorizing city of Milwaukee to pension widows and children of members of fire and police departments.

SECTION 2. This act shall take effect and be in force from and after the date of its passage and publication.

Approved March 30, 1889.

[No. 211, A.] [Published April 4, 1889

CHAPTER 203.

AN ACT to prevent cruelty to milch cows.

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

To prevent cruelty to milch cows; penalty.

SECTION 1. Any person being the owner of, o having the possession of, care or custody of a cov giving milk, who shall neglect or fail to milk o to have such cow milked or otherwise relieved o her milk, for an unreasonable length of time, so a to cause such cow to suffer from pain or swellin of her udder, shall be deemed guilty of an offense and upon conviction thereof, shall be fined in an sum not exceeding ten dollars.

SECTION 2. This a t shall take effect and be in force from and after its passage and publication

Approved March 30, 1889.

[No. 246, A.] [Published April 3, 1889.

CHAPTER 204.

AN ACT to amend section 1931, of the revise statutes and several acts amendatory thereto relating to town insurance companies.

The people of the state of Wisconsin, represente in senate and assembly, do enact as follows:

Amending sec. 1931, R. S., relating to town insurance companies, liability of.

SECTION 1. Section 1931, of the revised statute as amended by chapter 134, 1880, section 1, chap ter 48, 1881, chapter 187, 1882, and section 2, chap ter 189, 1883, section 2, chapter 421, 1885, i amended by striking out the words, "provide that no loss of any live-stock insured by such cor poration shall be recoverable if occurring whil such stock was kept or confined in any buildin which such corporation could not insure unde this section," so that said section when amende shall read as follows: Section 1931. No suc

corporation shall insure any property out of the town or towns in which such corporation is located; provided, that any such corporation at its annual meeting may, by a majority vote of the members present, authorize its directors to insure any farm property or detached dwelling-house and contents, in any adjoining town or towns, or in any incorporated city or village which is located in any adjoining towns in which such town insurance corporation is located; provided, such farm property or dwelling or contents shall be detached at least one hundred feet from exposure. No such corporation shall insure any property other than detached dwellings and their contents, farm buildings and their contents, live stock in possession or running at large, farm products on premises and farming implements. But such corporation, at its annual meeting may, by a majority of all votes cast by its members, authorize its directors to insure country stores and their contents, school houses, churches, town and society halls, country hotels and water mills, and cheese factories and creameries, but such risk shall not exceed fifteen hundred dollars in any one case.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1889.

[No. 237, A.] [Published April 3, 1889.]

CHAPTER 205.

AN ACT to authorize the Sault Ste. Marie and Southwestern Railway Company, its successors and assigns, to build, keep and maintain a bridge for railway purposes across the Eau Claire river, in the city of Eau Claire, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Sault Ste. Marie and Southwestern Railway Company, a corporation organ-

Authorizing Ste. Marie & S. W. R'y to build bridge across Eau Claire river.

ized and existing under the laws of the state Wisconsin, is, and its successors and assigns a hereby authorized and empowered to build, co struct and complete and at all times keep a maintain, for railway purposes, a bridge over a across the Eau Claire river on the line of its p posed railway, between the divisions of the Ci of Eau Claire, Wisconsin, known as the Nor and East sides, across said river, with all nece sary approaches thereto and protections there

How constructed.

SECTION 2. The superstructure of said brid shall be a truss consisting of fixed spans not le than one hundred and twenty-five feet each length, supported by suitable and proper pie and shall be constructed in a good, substanti and workmanlike manner, and of such suitab materials as will render the same safe and pe manent, the open spaces between the piers to free from obstructions, and the said piers sh be so located and constructed as not to unnece sarily impede navigation for logs, lumber or raf on said river, and said superstructure shall be least twenty feet above usual low water mark said river.

May be without draw, necessary repairs, etc., may be made.

SECTION 3. Such bridge, so constructed of fix spans and without any draw span, shall deemed a lawful structure, and said railway co pany, its successors and assigns, is hereby a thorized and empowered to keep and maintai and replace and repair the same when necessa but the legislature may at any time require suitable draw to be constructed in said bridge.

Right to repeal, etc., reserved.

SECTION 4. The legislature hereby reserves t right to alter, amend or repeal this act whenev in the judgment of the legislature, it is just a proper so to do.

SECTION 5. This act shall take effect and be force from and after its passage and publicatio

Approved March 30, 1889.

[No. 235, A.] [Published April 3, 1889.]

CHAPTER 206.

AN ACT to authorize the Sault Ste. Marie and Southwestern Railway Company, its successors and assigns, to build, keep and maintain a bridge for railway purposes across the Chippewa river, in the city of Eau Claire, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing Ste. Marie & S. W. R'y to build bridge across Chippewa river.

SECTION 1. The Sault Ste. Marie and Southwestern Railway Company, a corporation organized and existing under the laws of the state of Wisconsin, is and its successors and assigns are hereby authorized and empowered to build, construct and complete, and at all times keep and maintain for railway purposes a bridge over and across the Chippewa river, on the line of its proposed railway, between the third and fourth wards of the city of Eau Claire, Wisconsin, across said river with all necessary approaches thereto and protections thereof.

How constructed.

SECTION 2. The superstructure of said bridge shall be a truss consisting of fixed spans not less than one hundred and twenty-five feet each in length, supported by suitable and proper piers, and shall be constructed in a good, substantial and workmanlike manner, and of such suitable materials as will render the same safe and permanent; the open spaces between the piers to be free from obstructions, and the said piers shall be so located and constructed as not to unnecessarily impede navigation for logs, lumber or rafts on said river, and said superstructure shall be at least twenty feet above usual low water mark in said river.

May be without draw, necessary repairs, etc., may be made.

SECTION 3. Such bridge, so constructed of fixed spans and without any draw span, shall be deemed a lawful structure, and said railway company, its successors and assigns, is hereby authorized and empowered to keep and maintain, and replace and repair the same when necessary, but the legislature may at any time require a suitable draw to be constructed in said bridge.

Right to repeal, etc., reserved.

SECTION 4. The legislature hereby reserves right to repeal, alter or amend this act whene in the judgment of the legislature it is just proper to do so.

SECTION 5. This act shall take effect and b force from and after its passage and publicat

Approved March 30, 1889.

[No. 236, A.] [Published April 3, 18

CHAPTER 207.

AN ACT to authorize the Sault Ste. Marie Southwestern Railway company, its succes and assigns, to build, keep and maintain a bri for railway purposes across the Chippewa ri in the city of Eau Claire, Wisconsin.

The people of the state of Wisconsin, represen in senate and assembly, do enact as follow

Authorizing Ste. Marie & S. W. R'y to build bridge across Chippewa river.

SECTION 1. The Sault Ste. Marie and Southw ern Railway Company, a corporation organi and existing under the laws of the state of W consin is, and its successors and assigns hereby authorized and empowered to build, c struct and complete, and at all times keep maintain for railway purposes, a bridge over across the Chippewa river on the line of its posed railway, between the Sixth and Eig wards of the city of Eau Claire, Wisconsin, ac said river, with all necessary approaches ther and protections thereof.

How constructed.

SECTION 2. The superstructure of said bri shall be a truss, consisting of fixed spans not than one hundred and twenty-five feet each length, supported by suitable and proper pi and shall be constructed in a good, substar and workmanlike manner, and of such suit materials as will render the same safe and manent; the open spaces between the piers to free from obstruction, and the said piers shal so located and constructed as not to unnecessa impede navigation for logs, lumber or rafts

said river, and said superstructure shall be at least twenty feet above usual low water mark in said river.

SECTION 3. Such bridge, so constructed of fixed spans and without any draw span, shall be deemed a lawful structure, and said railway company, its successors and assigns, is hereby authorized and empowered to keep and maintain, and replace and repair the same when necessary; but the legislature may at any time require a suitable draw to be constructed in said bridge.

May be without draw, necessary repairs, etc., may be made.

SECTION 4. The legislature hereby reserves the right to repeal, alter or amend this act whenever, in the judgment of the legislature, it is just and proper to do so.

Right to repeal, etc., reserved.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1889.

[No. 277, A.] [Published April 3, 1889.]

CHAPTER 208.

AN ACT to authorize the Duluth, Red Wing and Southern Railroad Company to construct and maintain a bridge across the Mississippi river at or near Red Wing, in the state of Minnesota.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That it shall be lawful for the Duluth, Red Wing and Southern Railroad Company, a corporation organized under the laws of this state, its successors or assigns, being thereto authorized by the congress of the United States, to build and maintain a railroad bridge, or a combined railroad and wagon bridge, across the Mississippi river and its several channels, at or near the city of Red Wing, in the state or Minnesota, to a point in the county of Pierce, in the state of Wisconsin, and for that purpose, as well as for the purpose of running cars and engines upon and over the same, may exercise all the corporate

Authorizing Duluth, Red Wing & Southern R'y to build bridge across Mississippi river at or near Red Wing, conditions imposed.

powers vested in said railroad company b
charter. That the said bridge may, at the o
of the corporation, company, or person bui
the same, be built as a draw-bridge, with piv
other form of draw, or with unbroken or con
ous spans; provided, that such bridge shall
built and maintained in conformity with the
of the congress of the United States, whereby
railroad company, its successors or assigns
been, or hereafter may be authorized to build
maintain such bridge.

Right to repeal, etc., reserved.

SECTION 2. The legislature hereby reserve
right to repeal, alter or amend this act wher
in the judgment of the legislature it is just
proper so to do.

SECTION 3. This act shall take effect and b
force from and after its passage.

Approved March 30, 1889.

[No. 385, A.] [Published April 3, 1

CHAPTER 209.

AN ACT to authorize Andrew Nelson to
and maintain a pier in the waters of Green

*The people of the state of Wisconsin, represe
in senate and assembly, do enact as follows*

Authorizing Andrew Nelson et al. to build pier in waters of Green Bay.

SECTION 1. Andrew Nelson, his heirs, r
sentatives and assigns, are hereby authoriz
build and maintain a pier on land owned by
and described as follows: Lot number
section number one, town thirty-two, r
twenty-eight east in Door county. Said
to extend out into the waters of Green
a distance of seven hundred feet or less;
vided, that nothing in this act shall be const
as authorizing the said Andrew Nelson, his
representatives and assigns to so construc
pier herein provided for as to materially inte
with the navigable waters of said Green Bay

SECTION 2. The legislature reserves the rig

alter, amend or repeal this act whenever in its judgment the public interest may require it.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1889.

[No. 222, S.] [Published April 3, 1889.]

CHAPTER 210.

AN ACT conferring upon Charles Osthelder and Joseph Osthelder the interest which the state of Wisconsin has in certain real and personal property derived from Maria Young, deceased.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Conferring certain property rights upon Charles Osthelder et al.

SECTION 1. There is hereby conferred upon and vested in Charles Osthelder and Joseph Osthelder, of Sheboygan county, Wisconsin, all the right, title and interest which the state of Wisconsin has by escheat or otherwise, in and to the following described real estate, to-wit: Lots twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven and twenty-eight, of Cottrill, Peaslee and Johnston's subdivision of lot one of section thirty-six, town eighteen north, of range sixteen east, being in the third ward of the city of Oshkosh, Wisconsin, subject to the right of way of the Chicago and Northwestern Railway company over the same; which real estate was owned by Maria Young at the time of her decease, widow of Charles Osthelder, deceased, and John Young, deceased; there is also hereby conferred upon said Charles Osthelder and Joseph Osthelder, of said Sheboygan county, all the right, title and interest which said state of Wisconsin has by escheat or otherwise in and to the personal property left by said Maria Young, deceased, amounting to two hundred and eighteen dollars and eighty-three cents, and now in the hands of the administrator of the estate of said Maria Young, deceased.

SECTION 2. The recording of a certified copy of

Certified copy hereof to be recorded.

this act in the office of the register of deed Winnebago county, state of Wisconsin, shall h the same effect as a duly executed deed of premises.

SECTION 3. This act shall take effect and b force from and after its passage and publicatio

NOTE BY THE SECRETARY OF STATE.—The f going act having been presented to the gover for his approval, and such approval having b withheld, said act was returned by him to house of the legislature in which it originate was then passed over his veto by a vote of 28 a and 0 noes, in the senate, and 77 ayes, and 1 in the assembly. Said act therefore become law without the governor's approval, as scribed in the constitution

ERNST G. TIMME.
Secretary of Stat

March 30, 1889.

[No. 146, A.] [Published April 3, 18

CHAPTER 211.

AN ACT to amend sections 6 and 7, of cha 305, of the laws 1887, entitled "An act to aut ize the organization of local fire insurance c panies in the cities and villages of this state.

The people of the state of Wisconsin, represen in senate and assembly, do enact as follows:

Amending sec. 6 of chapter 305, laws of 1889, relating to local fire insurance companies.

SECTION 1. Section 6, of chapter 305. laws 1887, is hereby amended so as to read as follo Such corporation may, at its annual meeting at a special meeting thereof, convened for purpose, pursuant to its by-laws, by a majorit all the votes cast by its members present, in manner as for the election of directors, autho its board of directors to insure hotels, stores, g ceries, offices and shops, and the contents of s buildings, school-houses, churches, and town, and society halls; provided, however, that amount of such risks taken upon such prope within and upon any one building of the charac

mentioned in this section shall in no case exceed twenty-five hundred dollars, by this company, and such insurance shall, in all cases, be approved by three-fourths of the board of directors.

Same, sec. 7; policies, how issued.

SECTION 2. Section 7, of said charter 305, laws of 1887, is hereby amended so as to read as follows: Subject to the restrictions contained in said chapter, the board of directors may issue policies of insurance, signed by the president and secretary, agreeing in the name of the corporation to pay the insured all loss or damage of and to the property mentioned and described therein, to the amount named therein, which may be occasioned by fire and lightning, within the period named in said policy, which in no case shall be more than three years, and providing for such conditions of insurance as may be determined by the by-laws of such corporation, or by the resolutions of its annual meeting; and the said board of directors, or the corporation, may classify the property insured at the time of issuing policies thereon, under different rates, corresponding as near as may be to the greater or less risk from fire and loss which may attach to the several buildings or property insured. The board of directors may, however, delegate such authority to a committee of not less than three, at least two of whom shall be directors.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1889.

[No. 88, A.] [Published April 3, 1889.]

CHAPTER 212.

AN ACT to amend section 1927, of the revised statutes, as amended by chapter 421, of the laws of 1885, relating to town insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1927, of the revised statutes as amended by chapter 421, 1885, is hereby

Amending sec. 1927, R. S., relating to town insurance companies; formation of.

amended so as to read as follows: Section 19
Any number of persons, not less than twenty-fi
residing in the same town or adjoining towns, n
exceeding twenty in number, who, collective
shall own property of not less than twenty-f
thousand dollars in value, which they desire
have insured, may form themselves into a cor
ration for mutual insurance against loss or da
age by fire or lightning, by complying with t
following conditions, namely: They shall sign
ticles of organization, which shall be substantia
in the following form: The undersigned reside
of the towns below named, and owners of m
than twenty-five thousand dollars worth of pr
erty, which we desire to insure, do hereby ass
ate for the purpose of forming a mutual fire ins
ance corporation, to do such insurance in
towns of (here insert the names of each town
which such corporation purposes to do busine
and the names of the counties in which they
situated), under the provisions of sections 1927
1941 inclusive, of the revised statutes of this sta
The name of such corporation shall be the —
(give the names at length). The officers shall
a board of directors of —— (insert the numb
not less than five nor more than nine), a pre
dent, secretary and treasurer, and such others
may be provided for in the by-laws of such c
poration, and the office of such corporation sh
be in the town from which said directors sh
elect their secretary, in the county of——. T
following named persons shall constitute the f
board of directors, and shall hold their respect
offices for one year, and until their successors
elected (here insert the names) In witness wher
we have hereunto subscribed our names, this —
day of ——, A. D. 18—. Such articles of org
ization shall be subscribed by at least twenty-
persons, residents of the towns therein nam
and who are owners of at least twenty-five th
sand dollars worth of property, which shall
insured by such corporation, and when so sign
shall be filed and recorded in the office of
county clerk of the county in which the office
such corporation is to be, or is situated, an
copy of the by-laws of such corporation shall
the same time, be filed in said office with
names of the officers of said corporation,

Form of articles.

thereupon the persons subscribing said articles, and such as shall afterwards become insured thereby, shall be a corporation by the name mentioned in said articles, with the usual powers and subject to usual duties and liabilities of a corporation for the purposes hereinafter mentioned. The name of every such corporation shall embrace the name of the town in which the office of the corporation is located; but in case any of the towns embraced in such corporation shall adjoin a city or village, the office thereof may be located in such city or village, and in such case, the name shall embrace the name of one or more of such adjoining towns, and the subsequent division of the territory of the towns mentioned in the articles of organization, into new towns, shall not impair any power, duty or liability of such corporation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1889.

[No. 377, A.] [Published April 4, 1889.]

CHAPTER 213.

AN ACT authorizing the city of Ripon to purchase certain real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of Ripon authorized to purchase certain real estate.

SECTION 1. The city of Ripon, in the state of Wisconsin, is hereby authorized to purchase and hold in its corporate name the following described real estate, situated in the city of Ripon, Fond du Lac county, Wisconsin, to-wit: Commencing on the north line of Congress street at a point due north of the center line of Maple street, running thence east five (5) rods, thence north eight (8) rods, thence west five (5) rods, thence south eight (8) rods to the place of beginning, being the east half (½) of vacated street and part of lot three (3),

block nineteen (19), of Ceresco plat, in the cit
Ripon.

SECTION 2. This act shall take effect and b
force from and after its passage and publicati

Approved March 30, 1889.

[No. 683, A.] [Published April 4, 1

CHAPTER 214.

AN ACT to provide a salary for the registe
probate of Winnebago county.

*The people of the state of Wisconsin, represe
in senate and assembly, do enact as follows:*

Salary of register of probate, Winnebago county.

SECTION 1. The register of probate appoi
by the county judge of Winnebago county sha
allowed and paid a yearly salary of six hun
dollars, which shall be paid from the county tr
ury of said county in the same manner as the
aries of the other county officers of said cou
are paid.

SECTION 2. This act shall take effect and b
force from and after its passage and publica

Approved March 30, 1889.

[No. 631, A.] [Published April 3, 1889.]

CHAPTER 215.

AN ACT asserting the jurisdiction of the state of Wisconsin to and in the St. Croix river, and authorizing parties therein named to build and maintain a dam and certain booms upon said river, and to otherwise improve the navigation of the same, and of the lakes, ponds and sloughs adjacent thereto, and for such purpose to condemn and take private property, and to amend chapter 224, of the laws of 1882.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Asserting jurisdiction of state over St. Croix river from eastern shore to thread of stream.

SECTION 1. The state of Wisconsin hereby asserts and exercises jurisdiction over the St. Croix river from the eastern shore thereof to the center or thread of said stream, hereby denying any exclusive jurisdiction of the state of Minnesota to authorize any person or corporation to obstruct the navigation of said river east of the center or thread thereof, or to enter upon the same and build piers, booms or other fixtures, or to occupy any part of said river east of the thread thereof, for the purpose of sorting or holding logs, without the concurrent consent of the state of Wisconsin through its legislature.

Conferring boomage rights upon Amos E. Jefferson et al.

SECTION 2. For the purpose of improving and aiding the navigation of the St Croix river, Amos E. Jefferson, James Thompson, S. W. Chinn, Edward B. Lewis, and Edward A. O'Brien, their heirs and assigns, are hereby authorized and empowered to construct, maintain and keep in good order and repair for the period of thirty years from and after the first day of March, A. D. 1890, such good and substantial boom or booms as they may deem necessary in order to enable them to carry out the provisions of this act, between a point on said river where the north line of section twenty-two in township thirty north, of range twenty west, intersects said river, and a point on said river where the west line of section eleven in township thirty-three north, of range nineteen west, intersects said

How constructed.

river. Any such boom or booms shall be c
structed with such convenient piers, piling, fl
and other appurtenances as may be necessar
take charge of and expeditiously and properl
sort and deliver to the owners thereof, at or n
the point first hereinbefore mentioned, accord
to their respective marks, all logs or timbe
any description which may float or be dri
down the St. Croix river.

Duty imposed on grantees as to care of logs or timber floating or driven down the river.

SECTION 3. All logs or timber floating or dri
down the said St. Croix river shall, for the
poses contemplated in this act, until the const
tion and completion of the dam hereinafter n
tioned be deemed to be in the possession and u
the control and direction of the said parties a
named, their heirs or assigns, whenever the
logs or timber shall pass below the west lin
said section eleven, township thirty-three nort
range nineteen west, and no person or persons
pick up or interfere with any such logs or tim
And it shall be the duty of the said parties a
named, their heirs or assigns, as fast as any lo
timber shall be driven or floated down to the p
last aforesaid, to take charge of and collect
same, or drive the same into their said boo
booms, and to there assort the same accordin
their respective marks without any unneces
delay, and to deliver the same when so asso
to the owner or owners of said logs, or hi
their agents, duly authorized to receive
same, at or near the lowest point on
river hereinbefore mentioned. Said logs, w
so assorted shall be secured and delivere
good rigging, the rigging to be used to be
good quality of rope sufficient for the purp
The said parties above named, their heirs o
signs, shall employ all the men and furnish
material necessary to assort, secure and de
said logs, and shall use all reasonable exertio
effect such delivery as soon as possible,
shall, when practicable, notify the owne
owners of any such logs so made ready fo
livery or his or their agent, of the time w
such logs must be removed. The owner or
ers of logs or timber, so assorted, secured
made ready for delivery as provided herein,
receive and take away the same within th
six hours from the time such logs or ti

are so made ready for delivery. If the owner or owners of any two or more different marked logs shall consent thereto, the said parties above named, their heirs or assigns, may secure such marks in one brail and cause the same to be scaled under either mark so rafted together. And in such case said parties, their heirs or assigns, may demand and collect the boomage due on such logs or timber so rafted and scaled in the same manner in all respects as they might or could do, if the same had been rafted separately. Provided, however, that the parties above named, their heirs or assigns, whenever requested so to do by the owner or owners of any logs which shall come into their possession or under their control subject to the provisions of this act, who are owners of, or engaged in operating any saw-mills located at any point on said river, between the two points on said river hereinbefore mentioned shall sort and deliver at such mill all logs belonging to such owner or owners, which shall come into possession or control of said parties above named, their heirs or assigns, above such mill, and which can be so assorted with the exercise of reasonable diligence and deliver the same secured in rigging at such mill in the manner herein provided, for the assorting, securing and delivering of said logs out of said boom or booms.

May collect boomage due on logs.

SECTION 4. The said parties above named, their heirs or assigns, are hereby authorized and empowered to ask and collect the sum of fifty-five cents for each and every thousand feet board measure, of logs or timber, sorted, secured and made ready for delivery, at the lowest point hereinbefore mentioned in accordance with the provisions of this act; and for all logs so assorted and delivered the mill owners at or above Marine Mills, forty cents; and for all railroad ties so assorted and made ready for delivery the sum of two cents for each piece so assorted. Such boomage and all other charges fixed by this act shall become payable to said parties above named, their heirs or assigns, shall be deemed to be due whenever the logs or timber are made ready for delivery as provided herein. Provided, that if any owner or owners of logs coming into said boom which it is hereby made the duty of

May collect, boomage, etc., for securing and sorting logs.

said parties above named, their heirs or assigns, t
assort and secure in rigging, request said partie
above named, their heirs or assigns, to assort th
same and raft the same in brails, the said partie
above named, their heirs or assigns, may, if the
deem it advisable so to do, comply with suc
request; and for all logs so assorted and rafte
said parties above named, their heirs or assign
shall receive the sum of ninety cents per thou
sand feet. For the purpose of determining th
amount of boomage due pursuant to the pro
vision herein, said logs shall be scaled before th
same are delivered to the owners by the lumbe
inspector of the fourth lumber district of th
state of Wisconsin. The fees for such scalin
shall not exceed the sum of two cents per thous
and feet, which fees shall be paid by the partie
above named, their heirs or assigns. The boom
age above mentioned shall be full compensatio
to the said parties above named, their heirs o
assigns for all services performed by them in tak
ing charge of and driving said logs, and collect
ing, assorting, securing in rigging or rafting an
delivering the same to the respective owners there
of pursuant to the terms hereof. Provided, tha
if any logs or timber shall not be taken away b
the owners thereof, within thirty-six hours afte
the same are ready for delivery, pursuant to th
provisions herein, then the said parties abov
named, their heirs or assigns, are hereby au
thorized and empowered to take away said log
or timber, and secure the same at some conven
ient point below the foot of the boom, where th
same have been assorted and made ready for de
livery pursuant to the terms hereof and ma
demand, receive and collect therefor the reason
able expense of removing and securing the sam
on all logs or timber so removed or secured. An
on the first day of October in each year, if an
such logs or timber should then remain in th
possession of said parties above named, their heir
or assigns, then said parties, their heirs or assign
may proceed to sell the same, to recover th
boomage and other charges lawfully due thereon
in the manner hereinafter provided. And th
said parties above named, their heirs or assign
shall have a complete lien upon and a specia
property in all logs or timber so driven, boomed

May sell logs for boomage due.

sorted out, secured or rafted and made ready for delivery, for all boomage and charges that may be due to the said parties their heirs or assigns upon said logs or timber as herein provided. And the said parties above named, their heirs or assigns, are hereby authorized and empowered to retain possession of all logs or timber of any particular mark or marks, for boomage or other charges that may have accrued on said logs, and also all boomage and charges due said parties, their heirs or assigns, on logs or timber of the same mark or a different mark or marks belonging to the same original owner which may have been previously delivered, including cost of removal as herein provided. And the said parties above named, their heirs or assigns in the enforcement of said lien, may sell any of said logs or timber at publi: vendue at the place where the said logs may be, to the highest bidder for cash, having first given notice of the time and place of such sale, with a description of the mark or marks of logs, to be sold, and the quantity thereof, and the amount of boomage claimed to be due thereon in some newspaper published in the county of St. Croix and the state of Wisconsin, and in the county of Washington, in the state of Minnesota, and also by posting a written or printed copy of such notice in the office of the lumber inspector of the fourth lumber district of the state of Wisconsin and in the office of the surveyor of logs and lumber of the first lumber district of the state of Minnesota, each of which publication and the posting of said copy shall be made at least twenty days before. And if the residence of the owner of any logs or timber so advertised for sale shall be known then a copy of such notice shall be mailed to him at his place of residence at least twenty days before such sale. And if the owner of any such logs or timber shall apply to said parties above named, their heirs or assigns, to redeem such logs or timber before such sale, and shall pay all boomage and other charges due thereon, including the reasonable expense of giving such notice, then such logs or timber so redeemed, shall be delivered to such owner secured in rigging as hereinbefore provided. At any such sale, the parties above named, their heirs and assigns, may fairly and in good

How sold—notice to be given.

Owner may redeem logs.

Who may purchase at sale.

faith, purchase the whole or any part of said l
or timber, and shall, after deducting and retain
all boomage and charges which may be due
aforesaid, and the expense of such sale, pay
overplus, if any, to the party or parties lawfu
entitled thereto.

Channel to be kept free for passage of steamboats, etc.

SECTION 5. The said parties above named, th
heirs and assigns, shall at all times keep open
free, for the passage of steamboats, barges
other water craft which may be engaged in na
gating the said St. Croix river, a good and s
ficient navigable channel, so that said boats, bar
and water craft may pass up and down said ri
freely and without any unnecessary hindrance
delay. Provided, that if said parties above nam
their heirs or assigns, shall use all reasonable p
cautions and exertions to carry out and perfo
the provisions of this section and shall be p
vented from doing so by an unusual or unexpec
press or jam of logs, which shall not be cau
by any negligent act of the parties above nam
their heirs or assigns, or by any other act in th
power to prevent, then said parties above nam
their heirs or assigns, shall remove such jam
clear such channel with all reasonable diligen
but shall not be liable for such obstruction.

Booms, when to be ready for operation.

SECTION 6. The said parties above named, th
heirs or assigns, shall construct and have rea
for operation all booms and other structures he
inbefore authorized which, in their judgme
shall be necessary in order to enable them to ca
out and perform their duties pursuant to the p
visions of this act, on or before the first day
March, A. D. 1891, or as soon thereafter as po
ble with the exercise of reasonable dilligen
And said parties above named, their heirs or
signs, shall not be required to take charge
drive, assort, secure, raft or deliver any logs
timber until said booms are completed.

Liability of grantees for neglect.

SECTION 7. Whenever any unreasonable de
in delivering logs or timber, as herein provid
shall be caused by the neglect of said par
above named, their heirs or assigns, to emp
sufficient men or to furnish necessary materia
tools to secure or raft and deliver such logs
timber, or if such delay shall be caused by
defect in the construction of any boom auth
ized by the provisions of this act, or by any f

ure to construct or keep in good repair any such boom or booms, or from any cause within the power of the said parties above named, their heirs and assigns, to prevent or remove, then and in such case said parties above named, their heirs or assigns, shall be liable to the owner of such logs or timber so detained or delayed for the damage caused by such delay; and for any such damage, or for any damage caused by any failure or neglect on the part of said parties above named, their heirs or assigns, to comply with the provisions of this act, the said parties above named, their heirs or assigns, shall be liable to any person sustaining such damage, and such damage may be collected by action in any court of competent jurisdiction; provided, said parties above named, their heirs or assigns, shall not be liable for any delay in assorting, securing or rafting or delivering logs or timber caused by low water or by an unusual or extraordinary press or jam of logs or timber not caused by any act within the power of said parties above named, their heirs or assigns, to prevent, within the limits herein mentioned, if said parties above named, their heirs or assigns, shall use all reasonable and timely efforts to prevent or shorten the period of such delay.

How collected.

SECTION 8. All the said parties hereinbefore mentioned, their heirs or assigns, are hereby authorized and empowered, for the purpose of making such boom or booms effectual, to extend any part of said boom or booms, as occasion may require, along the course of said river to the thread or channel thereof, and to take absolute and entire control and possession of said river, to the exclusion of all other parties or person, to the thread or channel thereof, such possession and use to be subject to the requirements herein made; that such parties shall keep a channel open and free for the navigation of boats, barges and vessels, and may so occupy said river and control the same beyond the thread or channel thereof to the west side of said river, so far as the state of Wisconsin has jurisdiction thereof. And the said parties above named, their heirs or assigns, may also enter upon any lakes, ponds or sloughs adjacent to said river, and may drive such piles, construct piers, hang booms, dig ca-

May extend booms along course of river to channel, if necessary.

May enter upon lakes, ponds or sloughs adjacent to river, drive piles, construct piers, etc., necessary to secure logs, etc.

nals and construct wing dams and such oth
works as to them may seem necessary to car
out the purposes of this act, and hang such she
and wing and other booms in said river,
in ponds, lakes and sloughs adjoining the san
or upon the shores thereof, as they ma
deem necessary and convenient, in order
catch, hold, safely secure, separate and d
liver the logs or timber coming or ru
ning down said river. To that end and pu
pose the said parties above named, their heirs
assigns, may remove any booms or piers, or oth
structure or obstruction that they may deem ne
essary to the carrying out of the duties here
imposed upon them, and to that end and purpo
the said parties above mentioned, their heirs
assigns, may exercise the power of eminent doma
as hereinafter provided.

May exercise power of eminent domain.

May construct dams.

SECTION 9. For the purpose of furth
improving the said St. Croix river, the parti
above named, their heirs or assigns, are herel
authorized and empowered to construct a
maintain for and during the period of thir
years, from and after the first day of Marc
A. D. 1900, a good and sufficient dam upon sa
river at some point between the south line
township thirty-five (35) north, of range ninete
(19) west, and the north line of township thirt
six (36) north, of range twenty (20) west, in Po
county, Wisconsin. The said dam hereby a
thorized shall be so constructed as to enable sa
parties above named, their heirs or assigns,
store and hold within the flowage thereof, all lo
or timber that may be floated or driven down
such flowage until such time as such logs can
permitted to float down said river without crea
ing any obstruction to the navigation of sa
river, and shall be maintained with suitable gat
and sluices for the passage of all such lo
through the same, under the management a
control of said parties above named, their hei
or assigns, and said dam with its gates, sluic
and all improvements, erected and maintain
upon said river by the said parties abo
named, their heirs or assigns, under the provi
ions of this act, shall at all times be under t
exclusive control of said parties above name
their heirs or assigns, and so controlled and ma

How constructed.

gment shall be subservi-
of the parties engaged in
r down said river and the
nd for the purpose of aid-
of said St. Croix river, the
ned, their heirs or assigns,
ts last above named, erect
g dams or other improve-
eem necessary to carry out
rposes for which said dam
ed for in this act.

To take possession of logs coming into flowage of dam.

l be the duty of the parties
eirs or assigns, upon the
, and they are hereby au-
ed to take possession of all
the flowage of such dam;
ce such logs through said
me down to the west line
(11), township thirty-three
(19). Provided that said
their heirs or assigns, after
letion of the dam or dams
ll, upon being requested so
owners of any saw mill or
ay hereafter be erected at
x Falls, and which shall be
notive power by the water
any substantial dam, which
St. Croix Falls, for manu-

To sort logs—when.

assort out of the general
down said river, at some
such saw mill or saw mills,
belonging to the owner or
mills, and which are des-
ured at such mill or mills
named, their heirs or as-
ith the exercise of reason-
ithout delaying any other
d to points below said St.
logs or timber so assorted
such manner as said par-
heir heirs or assigns, shall
, and shall be delivered to
or owners as soon as prac-
ng the main drives of logs
points on said river, below
and for the purpose of en-
heir heirs or assigns, to so

drive or assort such logs or timber between the points last aforesaid, said parties, their heirs or assigns may erect such booms and piers, and remove such natural obstructions in said river as them may deem necessary; provided that no such booms, piers or improvements shall be so erected made or maintained as to interfere with the improvement of the water-power at St. Croix Falls for manufacturing purposes. And as further compensation for the improvement of said river as aforesaid, and the sluicing of said logs or timber through said dam, and the driving of the same down to the point last aforesaid, as herein provided, the parties above named, their heirs or assigns, shall be entitled, and they are hereby authorized and empowered to ask demand, receive, sue for and collect as toll, the sum of ten cents per thousand feet, board measure, for all logs or timber sluiced through the said dam and driven to the point last aforesaid, and for assorting and delivering the logs belonging to owners of saw-mills, situated at St. Croix Falls, as hereinbefore provided, a sum not to exceed thirty cents per thousand feet, board measure. The amount of such logs so assorted for such saw-mill owner or owners to be determined by the scale thereof, in the mill booms of such saw-mill or mills by the lumber inspector of the fourth lumber district, and the amount so due for said sluicing and driving of said logs or timber as aforesaid, or for assorting and delivering logs to saw-mills at St. Croix Falls, as hereinbefore provided, shall be and remain a lien upon said logs or timber, and the parties above named, their heirs or assigns, shall have a lien upon and special property in said logs or timber so sluiced and driven or assorted as aforesaid for all the said charges that may be due according to the provisions of this act and may enforce the same in the same manner and at the same time that the lien hereby created for boomage shall or may be enforced. The dam hereinbefore authorized shall be erected and completed by said parties above named, their heirs or assigns on or before the first day of March, A. D. 1891 provided, that said parties above named, their heirs or assigns, shall not be required to build or maintain any booms or assorting works, for the pur

Booms or piers not to interfere with improvement of water power.

Tolls may be collected.

Dam, when to be completed.

or saw-mills at St. Croix
rovided, until six months
ill as is hereinbefore de-
at said St. Croix Falls.

ties above named, their
btain a site for said dam,
al estate, or interests, or
essary or convenient, for
other structures herein-
authorized and for the
for any other purposes
to enable said parties
s or assigns, to carry out
and enjoy the privileges
pon them by this act, by
r voluntary conveyance
the owner. And if said
ir heirs or assigns, shall
make such voluntary con-
om or with such owner,
he property rights and in-
tioned by the exercise of
domain which is hereby
nd in the exercise of such
in the manner now pre-
f the revised statutes of
s amendatory thereof.

Right of eminent domain may be exercised.

reby declared to be the
secure, through the said
ir heirs and assigns, and
is state, the free naviga-
parties engaged in navi-
little hindrance and delay
egard for the rights and
to assert and maintain
state of Wisconsin over
s the jurisdiction of the
to that end and purpose
uty of the attorney-gen-
he state of Wisconsin so
y act in the premises, to
jurisdiction of said state
as said jurisdiction may
revent the intrusion upon
parties, persons or cor-
right to obstruct the

Purpose of act declared.

Repeal.

SECTION 13. All acts or parts of acts in conf with the provision of this act are hereby repeal and all charters or privileges heretofore gran for the booming, assorting, driving or storing logs upon the said St. Croix river, or for the er tion of any dam or dams within the limits m tioned in section 9, of this act are hereby revo and repealed; provided, that this act shall not peal the right to maintain a dam across said Croix river, granted by chapter 224, of the law 1882, so far as said chapter grants any rights maintain such dam at St. Croix Falls, or wit one mile of said falls for manufacturing purpo But no toll shall be collected for the passing logs over or through any dam erected under provisions of said chapter.

SECTION 14. The right to alter, amend or rep this act is hereby reserved.

SECTION 15. This act shall take effect and be force from and after its passage and publicati

Approved April 1, 1889.

[No. 318, S.] [Published April 2, 18

CHAPTER 216.

AN ACT to incorporate the city of Dodgevi

(See Vol. 2.)

[No. 109, S.] [Published April 3, 18

CHAPTER 217.

AN ACT to amend section 4942, of the revi statutes, relating to good conduct of conv and compensation.

The people of the state of Wisconsin, represen in senate and assembly, do enact as follows:

Amending sec. 4942, R. S.

SECTION 1. Said section 4942, of the revi statutes, be and the same is hereby amended adding at the end thereof, the following, to-

d the state board of supervision may, in their :retion, adopt rules for crediting to deserving victs some portion of their earnings, to be paid hem on discharge or while in prison, on their n order, subject to such rules and limitations nay be established.

State board of supervision may make certain rules for compensating convicts.

ECTION 2. This act shall take effect and be in ce from and after its passage and publication. pproved April 1, 1889.

. 169, S.] [Published April 3, 1889.]

CHAPTER 218.

ACT relating to jails, police stations and lock-ups.

e people of the state of Wisconsin, represented n senate and assembly, do enact as follows:

SECTION 1. Whenever in the opinion of the te board of charities and reform, any jail, police tion or lock up, is dangerous to the health or of prisoners, or is so constructed as not to ld prisoners securely, with ordinary vigilance the part of the officers in charge, or is not so nstructed as to provide for the proper separan of prisoners as provided in section 4952, of revised statutes, it shall be the duty of the te board of charities and reform to notify the nty board, city council, village board or other nilar body having the necessary authority, by ng a written notice with the county, city or lage clerk, stating the facts in the case and ether in their opinion the defects can be remied by repairs, or whether a new jail, police tion or lock-up should be constructed. If thin one year after such notice being filed, repairs are not satisfactorily made, or a w jail, police station or lock up constructed, the case may be, it shall be the duty of the te board of charities and reform to condemn id jail, police station or lock-up by filing a writn notice with the clerk of the circuit court for

State board of charities and reform may order repair of jails, etc.

said county, in the case of a jail, or with the c
or village clerk in the case of a police station
lock-up, and thereafter it shall not be lawful
confine prisoners in such jail, police station
lock-up; and it shall be the duty of the sheriff
the county or the chief of police, city or villa
marshal or constable, as the case may be, to
mediately transfer all prisoners then in said j
police station or lock up to some other place
confinement, and thereafter not to use said j
police station or lock-up as a place for confin
prisoners; provided, that such condemnation sh
not take effect until approved by the circuit ju
of the judicial circuit in which such county is
uated.

To condemn same, when, notice how given.

Sheriff or chief of police, et al., to transfer prisoners.

Notice of condemnation may be revoked.

SECTION 2. The state board of charities and
form may at any time for good reasons, and w
the approval of the circuit judge, revoke any
tice of condemnation provided for in section c
and may also for good reasons extend the ti
between the notice and condemnation, not to
ceed one year additional.

Not to be constructed in basement of any other building.

SECTION 3. Hereafter no jail, police station
lock up shall be constructed in the basement
any other building.

Ch. 371, laws 1887, repealed.

SECTION 4. Chapter 371, of the laws of 18
and all acts and parts of acts conflicting with
provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be
force from and after its passage and publicatio

Approved April 1, 1889.

[No. 179, S.] [Published April 3, 18

CHAPTER 219.

AN ACT to amend section 4387, of the revi
statutes, as amended by chapter 257, of the la
of 1883, in relation to the offense of kidn
ping.

*The people of the state of Wisconsin, represen
in senate and assembly, do enact as follow*

SECTION 1. Section 4387, of the revised statu
as amended by chapter 257, of the laws of 1883

Amending sec. 4387, R. S., kidnapping—penalty changed from 5 to 15 years.

king out the words, "five
r in said section, and in-
he words, "fifteen years;"
en so amended shall read
7. Any person who shall,
rity, forcibly or secretly
nother, within this state,
o shall forcibly carry or
is state or from place to
against his will and with-
who shall, without such
ly seize, confine, inveigle
intent to cause such per-
nfined or imprisoned in
vill, or to be sent or car-
against his will, or to
or in any way held
will, shall be deemed
d on conviction thereof,
nprisonment in the state
fteen years nor less than
ense may be tried in the
mitted, or in any county
o kidnapped may be car-
he trial thereof, the con-
rsons so seized, confined,
shall not be a defense, un-
isfactorily to appear that
otained by fraud, nor ex-
ss or threats.
hall take effect and be in
passage and publication.
9.

[Published April 3, 1889.]

TER 220.

e charter of the city of
nroe.

Vol. 2.)

[No. 234, A.] [Published April 4, 18

CHAPTER 221.

AN ACT to amend the charter of the cit
Whitewater.

(See Vol. 2.)

[No. 159, S.] [Published April 3, 1

CHAPTER 222.

AN ACT to authorize a compilation of
statutes of Wisconsin and to make the s
evidence.

*The people of the state of Wisconsin, represe
in senate and assembly, do enact as follows*

J. R. Berryman and A. L. Sanborn authorized to compile statutes of Wisconsin, same to be evidence in courts.

SECTION 1. John R. Berryman and Arthu
Sanborn, of Madison, Wisconsin, are hereby
thorized to prepare and publish, or cause t
published, the public general laws of Wisco
which shall be in force at the close of this ses
of the legislature, together with notes of c
decided by the supreme court of this state w
construe or apply such statutes, notes of
other cases and such other matter as they
deem proper. When published such statutes
be prima facie evidence in all courts and proc
ings of whatever nature as provided by sec
4135, of chapter 476, of the revised statutes of
But they shall not preclude reference to, nor
trol, in case of any discrepancy, the effect of
original act as passed by the legislature.

Known as "Annotated Statutes of Wisconsin."

SECTION 2. Said statutes shall be known as
"Annotated Statutes of Wisconsin"

State assumes no liability.

SECTION 3. No liability of any kind or na
is assumed by this state under or by virtue of
act.

SECTION 4. This act shall take effect and b
force from and after its passage and publica

Approved April 1, 1889.

. 630, A.] [Published April 3, 1889.]

CHAPTER 223.

ACT to authorize any of the towns or incor-
orated villages or cities in any or either of the
ounties of Pierce, St. Croix, Douglas, Polk or
Burnett, in the state of Wisconsin, to issue bonds
o aid in the construction of the Duluth, Red
Wing and Southern Railroad Company, through,
r into any of such counties.

*e people of the state of Wisconsin, represented
n senate and assembly, do enact as follows:*

SECTION 1. That it shall be lawful for any town, orporated city or village in any or either of e counties of Pierce, St. Croix, Douglas, Polk Burnett, in the state of Wisconsin, to issue the gotiable bonds of any such town, incorporated y or village, for the purpose of aiding the luth, Red Wing and Southern Railroad Com-ny in the construction of its railroads, through into any or either of said counties, or through into any such town or incorporated city or vil-ge. Such bonds shall be in sums of not less than e hundred dollars, nor more than one thousand llars each, shall be made payable to the said lroad company or bearer, at such place within e United States as may be determined, shall ar interest payable either annually or semi-an-ally at a rate not exceeding six per centum per num, the principal thereof, shall mature at such ne or times not exceeding thirty years, nor less n ten years, from the date thereof, as may be each case determined, and shall be issued in the nner hereinafter provided.

Towns, cities or villages in Burnett, Douglas, Pierce, Polk and St. Croix counties authorized to aid Duluth, Red Wing & Southern Railway.

SECTION 2. Whenever a petition signed by not s than twenty-five legal voters and resident ypayers of any such town, or incorporated y or village, shall be presented to the city, or nmon council, or other like or similar munici-authority of any such incorporated city or age, or the board of supervisors or like or ilar authority of any such town, asking that question of issuing the bonds of any such wn, incorporated city or village, for the pur-

Question to be submitted. Petition for, what to state.

pose of aiding in the construction of the railro
of said company, to be submitted to the le
voters of any such town or incorporated city
village for their determination, and which petiti
shall state the amount of such proposed bon
the rate of interest thereon, and whether p
able annually or semi-annually, the time or tin
when such bonds will mature, the place wh
the principal and interest of such bonds shall
made payable, and the conditions upon whi
such bonds shall be issued and delivered to s
railroad company, it shall be the duty of a
such city or common council or other like
similar municipal authority of any such city
village, or of any such board of supervisors,
other like or similar authority of any such to
forthwith to order, and give notice of a spe
election to be held within such town, city or
lage, at which election the question of the is
ing of such bonds will be submitted to the le
voters of such town, city or village for their
proval or rejection, and which election shall
held within thirty days after the presentation
any such petition. Notice of such election sh
be given by the publication in a newspap
if there be one printed and published in su
town, city or village, and also by posting in
public places therein, of printed or written
partly printed and partly written notices of su
election; if there be no newspapers so printed
published, then such notice shall be given by
posting as aforesaid of such notices. Such
tices shall be so posted, and if so published
first publication thereof made, at least twen
days before the day appointed for such electi
Such notices shall distinctly specify the time
place of holding such election, the amount
such bonds proposed to be issued, the time
times when the same are to mature, the r
of interest thereon and whether payable an
ally or semi annually, the place where the p
cipal and interest of such bonds is to be m
payable, and the conditions upon which
same are to be issued and delivered to said r
road company. The voters at any such elect
voting in favor of the issuing of such bonds sh
use ballots, on which shall be written or prin
or partly written or partly printed, the wo

Notice of election to be given

Votes on question to be by ballot.

And those voting against onds, shall use ballots on or printed, or partly writ- the words, "against rail- all such elections shall be ots canvassed, as nearly as with the mode prescribed ing of elections in and for or city. If a majority of any such election, shall be such bonds, the supervis- common council, or other orities of any such city or be, shall issue and deliver y, or its assigns, the bonds formance by said company which the same were so to d. If a majority of such against the issue of such shall not be issued. Pro- y of such votes be against , the said town, city or vil- gain, and so often as a pe- all be presented to such ner submit to such voters, proposition for the issue ny of the bonds of such provided, that any re-sub aid proposition shall not be subsequent to any former

How canvassed

When bonds to issue, duty of officers.

Question may be re-submitted.

nds shall be signed by the h town, or the mayor or officer of any such city or ame, and shall be attested village clerk or recorder y be, and shall be sealed of such municipality, if it terest accruing upon such ented by coupons to such coupons shall be signed by ity or village clerk or re- be.

Bonds, how executed.

Interest coupons to be attached.

d every town, city or vil- ring any bonds under the all, in each and every year, principal and interest, are m of law, levy and assess

Tax to be levied to pay principal and interest.

upon the taxable property of such town, city village a tax in such sum as will be sufficient pay all interest accruing and principal maturi upon any such bonds as it accrues or matures.

SECTION 5. This act shall take effect and be force from and after its passage.

Approved April 1, 1889.

[No. 607, A.] [Published April 3, 188

CHAPTER 224.

AN ACT to amend the charter of the city Milwaukee.

(See Vol. 2.)

[No. 478, A.] [Published April 3, 188

CHAPTER 225.

AN ACT to amend the city charter of the city Menasha.

(See Vol. 2).

[No. 390, A.] [Published April 23, 188

CHAPTER 226.

AN ACT amendatory of section 1010, chapter revised statutes, relating to the collection statistics of farm products.

The people of the state of Wisconsin, represen in senate and assembly, do enact as follows:

SECTION 1. Section 1010, revised statutes, hereby amended by inserting after the wo

Amending sec. 1010, R.S., so as to include "strawberries, raspberries, blackberries, currants and grapes, raised, in reports required."

s the second time in the
n, the words, "of straw-
ackberries, currents and
acres of each the currant
f bushels of each raised
" So that said section
read as follows: Section
duty of the assessor of
te at the time of making
t of property to collect
to the principal farm
follows, to wit: Of wheat,
potatoes, root crops and
of acres devoted to the
ectively, for the current
er of bushels of each re-
preceding year; of apples,
orchard, the number of
current year, and also the
sed the preceding year; of
s, blackberries, currants
of acres of each the cur-
mber of bushels of each
year; of flax, hops and to-
res the current year, the
ed the preceding year; of
umber of acres the current
raised the preceding year;
umber of acres; of milch
lue; of butter and cheese,
nanufactured of each the
r and timothy, the num-
rvested for seed the pre-
umber of bushels of each
And said assessor shall
tes of such statistics, one
in the office of the town
e other with the clerk of
of his county, on or be-
of the same year. The
before the fifteenth day
ward to the secretary of
office, a certificate of the
acres and the amount of
oducts in his county, as
d from the certificates of

SECTION 2. This act shall take effect and b
force from and after its passage and publicat
Approved April 1, 1889.

[No. 389, S.] [Published April 3, 1

CHAPTER 227.

AN ACT to amend chapter 192, of the law
1887, entitled, an act relating to evidence of
by descent.

*The people of the state of Wisconsin, represe
in senate and assembly, do enact as follows.*

Amending ch. 192, laws 1887, title by descent, who may apply for certificate.

SECTION 1. Section 1, of chapter 192, of the
of 1887, is hereby amended by inserting after
word, "person" where it occurs in the first lin
said section 1, the words, "has died or," and by
serting after the word, "person" where it oc
in the fifth line of said section 1, the words,
guardian of such heirs or any person intere
in such real estate," so that said section 1, whe
amended shall read as follows: Section 1. W
ever a person has died or shall die in this s
owning real estate, the county judge of the cou
in which such real estate is situated may, u
application of the heirs of such deceased per
the guardian of such heirs or any person in
ested in such real estate, issue under the se
the county court a certificate setting forth
names of the heirs of such deceased person
the interest of each of said heirs in the pren
of which said deceased died seized, giving des
tion of the same, which certificate when reco
in the office of the register of deeds in the cou
in which such real estate is situated, shall be p
facie evidence of the facts therein recited.

SECTION 2. This act shall take effect and b
force from and after its passage and publica
Approved April 1, 1889.

. 80, A.] [Published April 3, 1889.]

CHAPTER 228.

ACT to amend section 2, of chapter 202, of ne general laws of 1881, entitled, "An act to mend section 1, of chapter 266, of the general ıws of 1880, entitled, 'An act to repeal sections 92 and 594, of the revised statutes of 1878, reating to public charities, and to amend section 23, revised statutes of 1878, and to prescribe ne procedure for committing persons to the ısane hospitals.

people of the state of Wisconsin, represented n senate and assembly, do enact as follows:

ECTION 1. Section 2, of chapter 202, of the eral laws of 1881, is hereby amended by add- at the end of said section 2, the following, viz.: If you say yes, to the preceding question, n state your opinion whether the person named his report should be committed to a hospital treatment, or to the county asylum. If, upon receipt of the report of the examining physiıs, the judge shall find and adjudge the per- therein named insane, he may commit such ıne person either to the state hospital for the trict to which the county belongs, or to the nty asylum for the county, and the superinıdents of such institutions will receive all perıs so committed.

Amending sec. 2, ch. 202, laws 1881, relating to commitment of insane persons.

ECTION 2. This act shall take effect and be in e from and after its passage and publication. Approved April 1, 1889.

[No. 297, A.] [Published April 4, 18

CHAPTER 229.

AN ACT relating to garnishment, and amend section 2771, of the revised statutes.

The people of the state of Wisconsin, represen in senate and assembly, do enact as follows:

Amending sec. 2771, R. S.

SECTION 1. Section 2771, of the revised statu is hereby amended by striking out in the first second lines thereof, the words, "after the co plaint is filed," and substituting in place the the words, "after the commencement of the tion;" and also by striking out in the seventh eighth lines thereof, the words, "demanded the complaint on file," and substituting the wo "of the indebtedness specified in the affidavi garnishment." "Section 2771. The defend may at any time after the commencement of action and before judgment, file with the clerl the court an undertaking, executed by at l two sureties, resident freeholders of the state the effect that they will on demand pay to plaintiff the amount of the judgment, with costs that may be recovered against such defe ant in the action, not exceeding a sum specif which sum shall not be less than double amount of the indebtedness specified in the aff vit of garnishment, or in such less sum as court shall upon application direct. The sure shall justify their responsibility by affidavit nexed, stating a sum which each is worth in pr erty within this state, over and above all debts and liabilities, and property exempt fr execution, the aggregate of which sums shall double the amount specified in the undertaki The defendant shall serve a copy of such un taking, with a notice where and when the sa was filed, on the plaintiff. Within three d after the receipt thereof the plaintiff shall g notice to the defendant that he accepts to the ficiency of the sureties, or he shall be deeme have waived all objections to them. When plaintiff accepts the sureties shall justify in manner as bail upon arrest, and the provision

Defendant may release garnishment, when.

2706 shall be applicable
l the garnishees shall be
ishment proceedings shall
and any money or prop-
any officer shall be sur-
entitled thereto, and the
as disbursements of the
he recovers."
hall take effect from and
ublication.
9.

[Published April 4, 1889.]

TER 230.

ne city of Oconto to issue
onds.

f Wisconsin, represented
y, do enact as follows:

non council of the city of Wisconsin, is hereby au-
ed to issue bonds to an
ten thousand dollars, for
g public wharves in said
t to be determined by an
e common council of said
ssued in denominations of
ach, and not to draw in-
g six per cent. per aunum,
ually, and the bonds and
ble within ten years from
as follows: One bond of
nd interest thereon, and
of the unpaid bonds each
The bonds, when issued,
or and city clerk of said
only when authorized by
the common council of
nce shall specify for what
e bonds and interest shall
e and the amount to be

Authorizing city of Oconto to issue bonds, to build wharves, etc.

paid each year. The principal and interest
be payable at the office of the city treasur
said city, and said bonds shall not be sold fo
than par value.

SECTION 2. All acts or parts of acts confli
with the provisions of this act are hereby repe

SECTION 3. This act shall take effect and
force from and after its passage and publica

Approved April 1, 1889.

[No. 714, A.] [Published April 4, 1

CHAPTER 231.

AN ACT to amend the charter of the city of
waukee.

(See Vol. 2.)

[No. 397, S.] [Published April 3,

CHAPTER 232.

AN ACT to confirm and legalize the action o
board of supervisors and common counc
vacating a certain alley in block seventy
Fourth ward of the city of Milwaukee.

*The people of the state of Wisconsin, represe
in senate and assembly, do enact as follows*

Legalizing action of board of supervisors and common council of Milwaukee in vacating alley.

SECTION 1. All proceedings of the board o
pervisors of the county of Milwaukee and o
common council of the city of Milwaukee, h
taken in and about the year 1877, vacating o
porting to vacate that certain part of the
running north and south, between lots one,
five and eight, on the east side of said alley
lots two, three, six and seven, on the west
thereof, in block seventy-five, of the Fourth

ukee, are hereby confirmed

ct shall take effect and be in its passage and publication. 1889.

[Published April 4, 1889.]

PTER 233.

ng the Chicago and North- Company to guaranty certain

ate of Wisconsin, represented mbly, do enact as follows:

Chicago and Northwestern cting by its board of directors mittee thereof, is hereby au- ered to guaranty the payment rest, or either of them, of any en obligations issued, or here- remont, Elkhorn and Missouri mpany, a corporation of the r issued or hereafter issued Central Railway Company, a erritory of Wyoming. Such ted in such manner and form f directors or such executive resolution direct.

Authorizing C. & N. W. R'y to guaranty certain bonds.

the guaranty or guaranties by the said Chicago and ay company of the payment interest of the bonds of the n and Missouri Valley Rail- of the payment of the prin- the bonds of the said Wyo- ay Company, and of the pay- l and interest of the bonds of n which has been merged in- of said Chicago and North- ompany, by consolidation or

Guaranty, etc., heretofore made, ratified and confirmed.

purchase or otherwise, are hereby ratified an
firmed.

SECTION 3. This act shall take effect and
force from and after its passage.

Approved April 1, 1889.

[No. 126, S.] [Published April 4,

CHAPTER 234.

AN ACT to appropriate to the various ag
tural, mechanical or industrial fairs or e
tions held within the state of Wisconsin, c
sums of money, as hereinafter specified.

The people of the state of Wisconsin, repre
in senate and assembly, do enact as follow

Amending sec. 1463, R. S., appropriation to various agricultural, mechanical or industrial fairs, etc.

SECTION 1. Section 1463, of the revised sta
and all acts amendatory thereof, are
amended so as to read as follows: Section
There shall be paid annually, within ten
after the first day of February, out of the
treasury, to each organized agricultural s
and industrial association, other than stat
cultural society, which shall have substa
complied with the conditions hereinafter n
forty per cent. of the total amount o
miums paid by such society during the
ceding year; provided, that no agricultural s
or industrial association having received
the state for the year 1888, the sum of two
dred dollars and ten per cent. on the a
paid for premiums, shall receive less tha
hundred dollars; provided, that percentag
not be paid on more than three thousand
in premiums to one association; and pro
further, that in computing the amount on
such percentage is to be paid as aforesaid
shall not be included more than five hu
dollars of premiums paid for trials or exhi
of speed of all classes in any one year. Fir
shall have held an annual fair or exhibitio
ing the previous year. Second. Shall pres

a sworn statement of the y that said society, at its g the year for which its le, had prohibited and ex- grounds and all adjacent y, all gambling and gam- r, and had not authorized liquor upon said grounds. ived into its treasury in ng year, not less than two the sale of memberships, riptions and other sources Fourth. Shall have, by its secretary, made and pub- ber in the county, a con- ncipal acts and doings for a list of its officers, its eport of its fair, showing es, the amount of money aid for premiums and for ll statement of the entire ents of the society for the hence all sums were re- aid, such report to be veri- ecretary; and one certified posited with the secretary he secretary of the state or before the first day of Such sum of money shall er of the treasurer of the the receipt of the proper entitled thereto, counter- thereof.

Conditions imposed.

or parts of acts conflict- of this act are hereby re-

shall take effect and be in passage and publication. 89.

[No. 860, A.] [Published April 4, 1

CHAPTER 235.

AN ACT to authorize C. M. Upham, Mathias
ler and F. D. Naber, their heirs or assign
construct and maintain a dam or dams a
the Wolf river, in Shawano county, sta
Wisconsin.

The people of the state of Wisconsin, repres
in senate and assembly, do enact as follows

Authorizing C. M. Upham et al to build dam across Wolf River, Shawano county.

SECTION 1. C. M. Upham, Mathias Miller
F. D. Naber, their heirs or assigns, are he
authorized to construct and maintain a
across the Wolf river, in Shawano county,
consin, for manufacturing and other purp
and to erect and maintain such piers and b
in connection therewith as may be nece
or convenient for holding, storing, asso
driving and handling logs to be manufact
at Shawano. Said dam shall be constru
and maintained on either of sections twenty
or thirty-six, in township twenty-seven, r
fifteen east. Logs destined for points belo
said river shall not be detained longer than
be necessary to separate from the general d
of logs such as may be intended for manufa
ing at the city of Shawano, or at or near said
provided, that said dam shall not exceed fou
feet in height and shall be so constructed as
to obstruct or impede the running of logs, ti
or lumber down said river; provided, further
a suitable slide sufficient in width shall be r
tained at the expense of the owners of said
with guide booms and permanent piers so
pass all logs, timber and lumber down and
said slide without delay, hindrance or waste.

How constructed.

May exercise rights conferred by sec. 1777, revised statutes.

SECTION 2. The said parties aforesaid, the
sociates, heirs and assigns, for the purpose o
quiring any flowage rights that they may
necessary in carrying out the provisions of
act, may exercise all powers granted to cor
tions by section 1777, of the revised statut
Wisconsin, as amended by chapter 318, o
laws of 1882.

t to repeal or amend this

Rights reserved.

13, of the laws of Wis-
y repealed.

Repeal chapter 213, laws 1872.

hall take effect and be in
passage and publication.
9.

[Published April 3, 1889.]

TER 236.

eorge S. Biron and Laura
assigns, to raise, build and
m across the Wisconsin
, Wisconsin.

f Wisconsin, represented
ly, do enact as follows:

Biron and Laura Biron,
and assigns, are hereby
ered to raise, build and
the Wisconsin river, not
height above low water
our in township twenty-
six east, for hydraulic
and flooding purposes;
aintain mills, machinery,
other suitable structures
le them to use the waters
aid dam for the purposes
said dam shall be so con-
e the running of lumber,
id river, and shall be pro-
lide therein, at least two
eight of said dam. And
ing and maintaining such
ter power created thereby
ge rights that they may
w held by them, the said
ra Biron, their heirs, asso-
xercise all powers granted
tion 1777, of the revised

Authorizing Geo. S. Biron, et al., to build dam across Wisconsin river, Wood county.

How constructed, powers granted.

statutes as amended by chapter 318, of the l
of 1882.

Legalizing acts of grantees.

SECTION 2. The dam authorized to be built
maintained by section 1, of this act, is the s
dam built by Francis Biron, deceased, about
year 1854, and since maintained by Georg
Biron and Laura Biron, and those under w
they claim, and the building and maintainin
said dam to the present time is hereby valid
and legalized.

Rights reserved.

SECTION 3. The legislature may at any t
amend or repeal this act.

SECTION 4. This act shall take effect and b
force from and after its passage and publicat

Approved April 1, 1889.

[No. 265, S.] [Published April 4, 18

CHAPTER 237.

AN ACT relating to the confinement of cer
insane, incompetent and imbecile persons.

*The people of the state of Wisconsin, represe
in senate and assembly, do enact as follows*

Confinement of insane, incompetent or imbecile person addicted to lewd, lascivious or indecent conduct or practices, petition what to state, duty of county court.

SECTION 1. Whenever a guardian or frien
any insane, incompetent or imbecile person r
ing in this state shall present to the county c
of the county wherein such insane, incompe
or imbecile person resides, his duly verified
tion setting forth that such insane, incompe
or imbecile person is addicted to any lewd, la
ious or indecent conduct or behavior, or that
person or persons of the sex opposite to th
such insane, incompetent or imbecile person
are accustomed to visit such insane, incompe
or imbecile person for immoral purposes,
praying that such insane, incompetent or i
cile person be confined in some suitable p
such county court shall make an order app
ing a time and place for hearing such peti
which time shall not be less than ten or
than twenty days after the presenting of

, and commanding the
to apprehend and bring
t or imbecile person be-
t the time and place ap-
g. Before hearing such
rt shall appoint a disin-
v, guardian ad litem, to
incompetent or imbecile
g. At the time and place
for such hearing such
said petition, summarily
dence given upon such
writing.

Court to make order of commitment to county asylum, duty of superintendent.

full hearing and exami-
it shall appear to such
insane, incompetent or
ted to any lewd, lascivior behavior, or that any
sex opposite to that of
or imbecile person is or
uch insane, incompetent
moral purposes, and that
ne, incompetent or imbe-
ne or she be kept in close
rt shall make and cause
rintendent of the county
nsane of such county, an
g him forthwith to take
incompetent or imbecile
And in case there is no
chronic insane in such
court shall make a simi-
ndent of the county asy-
ne in such other county
the state board of chari-
dance with the provis-
e laws of 1885.

When board of Charities and Reform to designate asylum.

Confined person to be subject to directions of county court.

ne, incompetent or imbe-
ject to the directions of
all receive such care, at-
such county court shall
ry.

Expenses incurred hereunder, when to be paid out of estate of person.

es incurred in the confin-
naintaining such insane,
person, when properly
ty judge of such county,
estate of the person so

confined and maintained so long as such es
sufficient to pay the same.

When to be paid by county.

SECTION 5. In case such insane, incom
or imbecile person so confined, shall not hav
estate sufficient for such purpose, then in
case, all expenses incurred in confining, t
care of and maintaining him or her when
erly certified to by the county judge of such c
shall be audited by the county board and pa
of the county treasury.

SECTION 6. This act shall take effect and
force from and after its passage and public

Approved April 1, 1889.

[No. 225, S.] [Published April 3,

CHAPTER 238.

AN ACT to amend section 4378, of revise
utes, relating to punishment for assau
robbing.

*The people of the state of Wisconsin, repre
in senate and assembly, do enact as follo*

Amending sec. 4378, revised statutes, punishment for assault and robbery.

SECTION 1. Section 4378 of the revised st
is hereby amended so as to read as follows:
tion 4378. Any person who shall, by forc
violence, or by assault and putting in fear,
ously rob, steal and take from the person
other any money or other property, whic
be the subject of larceny, such robber, not
armed with a dangerous weapon, shall be pu
by imprisonment in the state prison not
than seven years nor less than one year.

SECTION 2. This act shall take effect an
force from and after its passage and public

Approved April 1, 1889.

[Published April 3, 1889.]

APTER 239.

to writs of error, habeas corpus
ms of imprisonment

state of Wisconsin, represented
ssembly, do enact as follows:

vrit of error may issue to obtain supreme court of the order or court discharging or remanding before it by writ of habeas cor- r affirming the order of a judge, other officer so discharging or n thus brought before him.

Writ of error, when to issue.

hen a person who has been sen- of imprisonment o ı conviction released from custody on ha- e such term has expired, if the djudicates the matter shall hold legal and reverse the order of such person shall be at liberty shall not be reckoned a part of may again be arrested on prop- d in custody for the unexpired n.

Person released on habeas corpus and order reversed, time at liberty not reckoned part of term.

s act shall take effect and be in ter its passage and publication. 1, 1889.

[Published April 3, 1889.]

APTER 240.

ropriate to John J. Kempf and ng, the sums of money therein

state of Wisconsin, represented
ssembly, do enact as follows:

re is hereby appropriated to e sum of one hundred and fifty

Appropriation to John J. Kempf.

dollars, the amount of his costs, disbursem
and expenses necessarily incurred and paid in
matter of the contest of Frederick Isenring
the seat in the senate occupied by the said J
J. Kempf.

Same to Frederick Isenring.

SECTION 2. There is hereby appropriate
Frederick Isenring, out of any money, not ot
wise appropriated, the sum of one hundred
fifty dollars for his costs, expenses and disbu
ments incurred in the matter of the contes
the seat in the senate occupied by John J. Ke

SECTION 3. This act shall take effect and b
force from and after its passage and publica

Aprroved April 1, 1889.

[No. 107, A.] [Published April 4, 1

CHAPTER 241.

AN ACT to authorize the county of Brown t
sue bonds to fund its outstanding indebtedn

*The people of the state of Wisconsin, represe
in senate and assembly, do enact as follows*

Authorizing county board of Brown county to issue bonds.

SECTION 1. The county board of the count
Brown, is hereby authorized and empowere
issue the bonds of said county sufficient to
and take up any or all the outstanding indel
ness of said county now existing.

How issued, when payable, etc.

SECTION 2. Said bonds shall be issued i
nominations of one hundred dollars, or some
tiple thereof, and not exceeding one thou
dollars, and shall be numbered in regular o
Said bonds shall be made payable as follows:
thousand four hundred and fifty dollars,
1st, 1891; six thousand eight hundred dol
July 1st, 1892; six thousand eight hundred do
July 1st, 1893; six thousand eight hundred dol
July 1st, 1894; six thousand eight hundred dol
July 1st, 1895; six thousand eight hundred dol
July 1st, 1896; six thousand eight hundred dol
July 1st, 1897; six thousand eight hundred dol
July 1st, 1898; six thousand eight hundred dol

: thousand eight hundred
00; six thousand eight hun-
st, 1901; six thousand eight
ly 1st, 1902; six thousand
s July 1st, 1903; six thousand
s, July 1st, 1904; six thous-
dollars, July 1st, 1905; six
red dollars, July 1st, 1906; six
dred dollars, July 1st, 1907;
undred dollars, July 1st, 1908;
undred dollars, July 1st, 1909;
undred dollars, July 1st, 1910;
hundred and fifty dollars,
the whole amount of bonds
ceed the sum of one hundred
sand dollars. Said bonds
t a rate not exceeding five
um, payable semi-annually;
nterest shall be payable at
y of Green Bay, Wisconsin,
county board may deter-
nade payable to bearer; and
r the provisions of this act
than the par value thereof.
onds shall be signed by the **How executed.**
nty board, and countersigned
of said county, and sealed
al of said county, and shall,
bona fide holder of the same.
nt evidence to establish the
l county, according to the
aid bonds.
ever the county board shall **How disposed of.**
of any of said bonds, they
by the county treasurer, in
said board shall direct; and
urer shall be held account-
thereof, and for the proper
id proceeds, to the payment
he indebtedness of the said

ct shall take effect and be in
its passage and publication.
1889.

[No. 117, S.] [Published April 3

CHAPTER 242.

AN ACT to amend chapter 308, of the l
1885, entitled, "An act to amend section
the revised statutes, relating to insuran
porations."

*The people of the state of Wisconsin, repre
in senate and assembly, do enact as follo*

Amending chapter 308, laws 1885, when fire department of city, village or town maintaining system of water works, but no fire engine, entitled to receive two per cent tax.

SECTION 1. Section 1, of chapter 308,
laws of 1885, entitled, "An act to amend
1926, of the revised statutes, relating to ins
corporations," is hereby amended by add
the end thereof, the following: But in ca
city, village or town shall have and mai
system of water works, with sufficient p
for fire purposes, with one or more hos
panies of not less than ten active member
having not less than eight hundred feet of
rubber, leather or other hose, with one o
hose carts kept fit and ready at all times
tual service, such city, village or town sh
be required to maintain a fire engine, and
department shall be entitled to receive t
per centum named in this act.

SECTION 2. This act shall take effect an
force from and after its passage and publi

Approved April 1, 1889.

[No. 76, A.] [Published April 4

CHAPTER 243.

AN ACT to amend the charter of the city
waukee.

(See Vol. 2.)

[Published April 4 , 1889.]

IAPTER 244.

nd the charter of the city of Madison.

(See Vol. 2.)

[Published April 4, 1889.]

APTER 245.

l the charter of the city of Sheboygan.

See Vol. 2.)

[Published April 4, 1889.]

APTER 246.

rize the city of Menomonie to o pay its bonded indebtedness.

state of Wisconsin, represented sembly, do enact as follows:

city of Menomonie is hereby npowered, for the purpose of indebtedness, to borrow a sum xceed twelve thousand five hun- rate of interest not to exceed nnum, and to issue its bonds l, that said city may, at the op- n council, borrow any part or sum of the commissioners of d issue certificates of indebted-

Authorizing city of Menomonie to issue bonds to pay indebtedness.

ness therefor, said bonds (and said certificat they shall be issued) shall be conditioned so the sum of two thousand dollars of the am borrowed shall become due and payable Marc A. D. 1891, and the further sum of two thou dollars shall become due and payable on the day of March in each and every year there till the whole sum borrowed shall have been Interest shall be payable March 1st annuall in case bonds shall be issued the same sha payable at the office of the city treasurer in city.

To raise tax to pay same.

SECTION 2. Said city shall annually, durin continuance of said loan, raise by tax, a sum cient to pay the interest thereon and shall raise in the same manner in the year A. D. and annually thereafter, a sufficient sum to the principal then about to become due; and city clerk shall insert said amounts in the ta and the same shall be collected as other tax said city are collected, and when collected same shall be applied in payment of said loa interest and for no other purpose.

Commissioners of public lands authorized to loan portion of trust funds.

SECTION 3. The commissioners of the p lands are hereby authorized and empower loan a portion of the trust funds of this stat exceeding the sum of twelve thousand five dred dollars, to the city of Menomonie at a r interest to be agreed upon between said con sioners and the common council of said cit exceeding five per cent. per annum; and to from said city its certificates of indebte therefor, in such form as said commissioners prescribe and require the same to become d provided in section 1, of this act, and there the taxable property of said city shall chargeable with the repayment of said loan interest at the times before stated, and the tary of state shall, at the same time he certif county clerks, the amount of the state tax certify to the city clerk of said city the am which will become due for that year as pri or interest of said loan; and whereupon the clerk shall insert the amount so certified i tax roll as a tax upon the property of said without any other or further authority, to b lected as other taxes are collected, and b

Conditions of loan.

d to the state treasurer

all take effect and be in
passage and publication.
.

[Published April 3, 1889.]

ER 247.

ion 3, of chapter 296, of
ng to excise and the sale
.

f Wisconsin, represented
, do enact as follows:

es when an election has
fter be held, in any town,
ate, under the provisions
vs of 1885, the sum fixed
lection shall be the sum
such town, city or village
ain held in the manner
and a different amount
election.

Amending sec. 3, chapter 296, laws 1885, making sum fixed for license by electors stand as the amount to be paid until another election.

hall take effect and be in
passage and publication.
9.

[Published April 5, 1889.]

TER 248.

onage at public elections,
y the independence of
secrecy of the ballot, and
and distributing ballots

f Wisconsin, represented
y, do enact as follows:

hall not apply to elections

Not to apply to local town and village, nor in cities of 50,000 or counties containing same.

for town and village officers, nor to electio cities having a population of fifty thousa more, nor to elections in counties containing cities.

Ballots printed and distributed at public expense.

SECTION 2. All ballots cast in electio public officers within this state after the fir of October in the year 1889, and all ballots c municipal elections in cities having a popu of less than fifty thousand after that date, be printed and distributed at the public ex as hereinafter provided. The printing of l and cards of instruction for the voters i county and the delivery of the same to th tion officers shall be a county charge, the ment of which shall be provided for in the manner as the payment of other count penses, but in the case of municipal electio printing and delivery of ballots, and cards struction shall be paid for by the city in such election shall be held.

Printing to be a county charge except in case of municipal elections.

NOMINATIONS OF CANDIDATES.

Candidates may be nominated by convention or primary. By individual voters, when.

SECTION 3. Any convention or primary ing, as hereinafter defined, held for the pu of making nominations to public office, nominate candidates for public office to be by election within the state. Individual to the number and in the manner herei specified, may also nominate candidates fo lic office.

Terms defined.

SECTION 4. A convention or primary m within the meaning of this act is an org assemblage of electors, or delegates, repr ing a political party which at the last el before the holding of such convention or pr meeting, polled at least two per cent. of t tire vote cast in the state, county or other di or district for what the nomination is made

Nominations how made.

SECTION 5. All nominations made by suc vention or primary meetings shall be certi follows: The certificate of nomination shall writing and besides containing the names o didates, shall specify as to each:

Certificate of, what to contain

First. The office for which he is nomina

Second. His business and business addre

Third. His place of residence with stre number, if any.

principle which he repre-
ore than five words.

e signed by the presiding
ch convention or primary
o their signatures their
idence with street and
respective business, and
ore an officer qualified
that the affiants were
ention or primary meet-
cate and the statements
ue to the best of their

To be signed by presiding officer and secretary and sworn to.

certificate that such oath
all be made and signed
in the same was taken.

Officer taking oath to certify same.

ation shall contain the
andidate for each office
hall accept a nomination

Certificate to contain name of only one nominee.

for public office may
manner following. A
ing:

Candidates, how nominated

e candidate.
which he is nominated.

Nomination paper, what to contain.

with street and number,

principle which he repre-
ore than five words, shall
ing within the political
the officer or officers are
e nomination is for an
oters of the entire state,
be signed in the aggre-
y not less than one thou-
Nominations of candi-
filled by the voters of a
r division less than the
omination papers signed
candidate by voters re-
istrict or other division,
one for every one hun-
l at the next preceding
strict or other division,
fifty. Such signatures
d to one paper. Each
on paper shall add to his
and place of residence,

To be signed by voters.

Number required to sign for various officers.

with street and number, if any, and shall, an officer authorized to take acknowledg acknowledge his signature and make oath is an elector and has truly stated his busin place of residence. Each voter may subs one nomination for each office to be filled, more.

To be acknowledged before proper officer; voter may subscribe to only one paper for each office.

Certificates of nomination papers, and to be filed with secretary of state or county clerks.

SECTION 7. Certificates of nomination an ination papers of candidates for offices to by the voters of the entire state, or of an ion or district greater than a county, shall with the secretary of state. All other cert of nomination and nomination papers s filed with the clerks of the respective c wherein the officers are to be elected.

To be filed within certain time before election.

SECTION 8. Certificates of nomination an ination papers, filed with the secretary o shall be filed not more than forty days a less than twenty days before the day fixed for the election of the persons in nomi Certificates of nomination and nomination herein directed to be filed with the count shall be filed not more than thirty and n than fifteen days before election.

When so filed to be preserved and open to inspection.

SECTION 9. The secretary of state a county clerks shall cause to be preserved i respective offices, all certificates of nomi and nomination papers filed therein un provisions of this act. All such certificat nomination papers shall be open to public tion under proper regulations, to be made officers with whom the same are filed.

Secretary of state to certify to county clerks names of candidates to be voted for.

SECTION 10. Not less than fifteen no than twenty days before an election to f public office, the secretary of state shall ce the county clerk of each county within whi of the electors may by law vote for candid such office, the names and the description person nominated for such office, as speci the certificates of nomination filed with the tary of state.

VACANCIES, HOW FILLED.

Notices of declination by candidates to be filed with secretary of state ten days before election.

SECTION 11. Whenever any person nom for public office, as in this act provided s least ten days before the day of electio writing signed by him and acknowledged

l to take acknowledgements of
vith the secretary of state or
whom the certificate of nomi-
tion paper nominating him is
l, notifying such officer that he
ination, such nomination shall
itten notice of declination shall
e office in which the same is
o public inspection.

uld any person so nominated
day, or decline the nomination
vided, or should any certificate
nomination paper be insufficient
vacancy or vacancies thus oc-
lled in the manner required for
ns. If the original nomination
rty convention which had dele-
tee the power to fill vacancies,
ay, upon the occuring of such
to fill the same. The chairman
uch committee shall thereupon
the proper officer a certificate
ause of the vacancy, the name
minated, the office for which
, the name of the person
new nominee is to be sub-
t that the committee was
vacancies, and such further
required to be given in an orig-
nomination. The certificate so
uted, acknowledged and sworn
prescribed for the original certi-
ion, and shall, if filed at least
election, have the same force
iginal certificate of nomination.
ertificate shall be filed with the
he shall in certifying the nomi-
rious county clerks, insert the
n who has thus been nominated
place of that of the original
the event that he has already
certificate, he shall forthwith
ks of the proper counties the
ion of the person so nominated
he office he is nominated for,
cal principle he represents, and
erson for whom such nominee

Vacancies may be filled in manner required for original nominations or by convention committee; certificates what to show.

How executed, acknowledged and filed.

Secretary of state to certify new names to county clerks.

INFORMATION TO VOTERS.

County clerks to give notice of election by publication.

SECTION 13. At least seven days before a
tion to fill any public office, the county cl
each county shall cause to be published in a
two newspapers, if there be so many, and
more than four, published within the coun
nominations to office certified to him und
provisions of this act. One of such public
shall be made in a newspaper which adv
the principles of the political party th
the last preceding election cast the largest
ber of votes; and another of such public
shall be made in a newspaper which adv
the principles of the political party that
last preceding election, cast the next
number of votes. The county clerk shall
such publications daily in counties where
newspapers are published; but if there
daily newspaper published within the c
one publication in each newspaper shall be
cient. In case of a municipal election i
city, such publication shall be made in at
two daily newspapers, if there be so man
lished in such city. Such publication sh
made in type of the same size and in the
form and order of arrangement as to nam
classification of candidates as that in whi
ballot shall be printed for use upon electio

Publications to be daily, when.

For municipal.

Publication to be of same size type, form, etc., as ballot.

County clerk, to send printed lists to proper officers; to be posted in one or more places in district.

SECTION 14. The county clerk of each c
shall, at least seven days before election day
to the town clerk of each town and to the
men of each ward in any city therein, p
lists, one or more for each election district i
town or ward, containing the name, resi
business, and party or political designation c
candidate nominated as hereinbefore provi
be voted for by the electors of the respective
and wards. Such lists shall be conspicuously
by such town clerk or alderman, in one or
public places in each election district of each
or ward.

SECTION 15. The county clerk of each c
shall cause to be printed in large type, on c
English, and in such other languages as h
deem necessary, instructions for the guida
electors in preparing their ballots. He sha

s, each printed in all the lan-
ipon by him to the board of
in each election district at
in the same manner as the
board of inspectors of elec-
ss than one of such cards in
ment provided for the prep-
ereinafter described, and not
such cards elsewhere in and
ces upon the day of election.

Instructions for guidance of voters to be printed in various languages, how distributed and posted; duty of inspectors.

printed in large, clear type,
instructions to the voters as
ne:
allots for voting.
re the ballots for deposit in

Style of cards, what to contain.

a new ballot in the place of
ent or mistake. Said cards
opy of sections 33, 34 and 36,

Copy of sections 33, 34 and 36 of this act to be printed on card.

RM, DELIVERY, ETC.

pt as in this act otherwise
the duty of the county clerk
vide printed ballots for every
ficers in which voters or any
the county participate, and
ed in the appropriate ballot
candidate whose name has
led with the county clerk in
d for in this act. Ballots
ted by the respective county
his act, shall not be cast or
ction, except as herein pro-
is act contained shall prevent
ng or pasting upon his ballot
son for whom he desires to
nd such vote shall be counted
d upon the ballot and marked
voter may take with him into
printed or written memor-
assist him in making or pre-
ept as hereinafter otherwise
all be printed and in posses-
erk at least four days before
to inspection by the candi-
s. If any mistake be discov-

County clerk to provide ballots, form of, etc.

Voter may write or paste name of person on ballot, and may use written or printed memorandum.

Ballots to be printed and subject to inspection.

Mistakes in, may be corrected.

ered it shall be the duty of the county cl
correct the same without delay.

General ballots, what to contain; presidential electors, how designated.

SECTION 17. Every general ballot which
be printed in accordance with the provisi
this act, shall contain the names of the pa
political designation of all candidates whose
ination for any offices specified in the ballot
been duly made and not withdrawn in accor
herewith, and shall contain no other names
cept that in the case of electors of preside
vice-president of the United States, the na
the candidates for president and vice-pre
may be added to the party or political de

Names of candidates, how arranged.

tion. The names of candidates for each
shall be arranged under the designation
office in alphabetical order, according to
names, except that the names of candidat
the offices of electors of president and vice
dent shall be arranged in groups, as presen
the several certificates of nomination or no

Blank spaces at end of each list.

tion papers. There shall be left at the end
list of candidates for each different office as
blank spaces as there are persons to be elec
such office, in which the voter may inse
name of any person not printed on the ball
whom he desires to vote as candidate fo

Constitutional amendment to be printed on ballot.

office. Whenever the approval of a co
tional amendment or other question is
mitted to the vote of the people,
questions shall be printed upon the
after the list of candidates. The ballots shal
printed as to give to each voter a clear opp
ity to designate by a cross mark (X) in a
cient margin at the right of the name o

To be so printed that voter may make his choice.

candidate, his choice of candidates and h
swer to any question submitted, and on th
lot may be printed such words as will a
voter to do this, as, "vote for one," "vo
three," "yes," "no," and the like. On th

Back and outside, what to contain.

and outside of every ballot shall be printed,
cial ballot for" followed by the designat
the polling place for which the ballot is pr
and the date of the election. All ballots sh

Ballot to be printed with black ink on paper, size 13½ by 12 inches.

printed with black ink upon number o
white print paper, size twenty-four by thi
inches, weighing at least thirty pounds
ream, and shall be not more than thirtee
one-half inches long and not less than twel

s otherwise herein provided
ted in accordance with the
f law.

County clerk to provide ballots for election districts, number.

county clerk of each county
ach election district in the
and fifty ballots of each kind
trict, for every fifty or frac-
egistered at the last preced-
strict. If there is no regis-
e county clerk shall provide
r of two hundred for every
fty electors who voted at the
district. When a district is
daries thereof changed, the
certain as nearly as possible
s in the new district, and pro-
cient number of ballots as

To send ballots and instruction cards to the several clerks, properly marked; clerks to return receipts.

county clerk shall send all the
instruction printed by him
g places in each city or town
rein provided, to the several
, so as to be received by them
at least previous to the day
me shall be sent in separate
ith marks on the outside
the polling place for which
nd the number of ballots of
and the respective city and
n delivery to them of such
ceipts therefor to the county

County clerk to keep record.

clerk shall keep a record of
he manner in which the sev-
t, and shall preserve for the
the receipts of the city and
everal city and town clerks

Ballots and cards to be sent to inspectors and receipt taken.

rd of inspectors of each poll-
respective cities and towns
f the polls on the day of elec-
cards of instruction so pre-
arked for such voting place,
delivery shall be returned
residing or senior election of-
receipt shall be kept in the

When lost or destroyed city or town clerk to furnish others for use.

e the ballots to be furnished
or voting place therein, in ac-
ovisions of this act, shall fail
be duly delivered, or in case

after delivery they shall be destroyed or
it shall be the duty of the clerk of such
town to cause other ballots to be prepare
stantially in the form of the ballots so w
and to be furnished; and upon receipt o
other ballots from him, accompanied by a
ment under oath that the same have been
pared and furnished by him and that the o
ballots have so failed to be received or hav
so destroyed or stolen, the election officer
cause the ballots so substituted to be used
of the ballots wanting, as above. If fro
cause the ballots are not ready for distribu
any polling place, as hereinbefore provide
the supply of ballots should be exhausted
the polls are closed, fac simile unofficial
may be used, but the person using them m
fore voting present them unmarked to the
clerks, have their signatures or initials en
thereon, and then retire to one of the boo
compartments above described, where h
prepare it for voting.

Fac simile official when originals exhausted or not ready; ballot clerks to indorse.

Officers to furnish proper facilities for accommodation of voters.

SECTION 20. All officers upon whom is in
by law the duty of designating polling
shall provide in each polling place, designa
them a sufficient number of places, she
compartments which shall be furnished wi
supplies and conveniences as shall enable th
conveniently to prepare his ballot for votin
in which voters may mark their ballots so
from observation, and a guard rail so const
that only persons within such rail can ap
within five feet of the ballot boxes, or the
shelves or compartments herein provided fo
number of such places, shelves, or compart
shall not be less than one for every fifty e
who voted at the last preceding election in t
trict. No person other than voters engage
ceiving, preparing or depositing their ballot
person present for the purpose of challengi
vote of an elector about to cast his ballot, s
permitted to be within said rail. The exp
providing such places, shelves, or compar
and guard rails shall be a public charge an
be provided for in the same manner as the
election expenses.

Number of places, shelves, etc., to be furnished.

Who permitted within rail.

Expense, how paid.

SECTION 21. At the same time and in th
manner as inspectors of election are no

vo ballot clerks for each e state shall be appointed lot clerks shall be paid in l at the same rate as in- now paid; but they shall day, and it shall be their the ballots and to furnish anner hereinafter provided.

Ballot clerks to be appointed; duties; compensation.

delivering any ballot to an llot clerks shall write their the back of the ballot im- rinted indorsement. Each e entitled to receive from ne ballot.

Indorse ballots; amended by chapter 494, laws 1889; lists of electors to be furnished.

ceipt of his ballots the and without leaving the one to one of the places, ts provided, to prepare his re his ballots by marking e name of the person or per- nds to vote, for example, allot containing a consti- or a question to be sub- he people, by marking on in or place a cross (X) ich he desires to give. In any elector shall be at any unofficial sample bal- se to mark or to have had entering the polling place n marking the official bal- ll be at liberty to use or place any unofficial sample er of the color and quality d for the printing of bal- election laws of this state.

Voter how to prepare his ballot.

To designate candidate to be voted for by X after name, amended by chapter 494, laws 1889.

llots, the elector shall fold ne face of the ballot will be the printed indorsement nitials of the ballot clerks e shall then vote forthwith e polling place; provided, or who desires to vote for mark a cross as above de- litical designation of such e deemed to have voted for n such group, whose name sed.

How folded and voted.

Person not to occupy shelf or compartment more than ten minutes, changed by chapter 494, laws 1889, to five minutes.

SECTION 24. Not more than one person shall permitted to occupy any one shelf or compa ment at one time; and no person shall remain or occupy a shelf or compartment longer th ten minutes, provided the other shelves or co partments are occupied.

Where ballot spoiled voter may get another, but not to exceed three.

SECTION 25. Any voter, who shall by accide or mistake spoil his ballot may, on returning sa spoiled ballot, receive another in place there provided, that no voter shall receive to exceed th votes in all.

This section struck out and changed to allow election officer to assist voter in preparing ballot when he makes oath that he is unable to mark same by reason of physical disability. See section 4, chapter 494, laws 1889, post.

SECTION 26. Any voter who declares under oa to the inspectors of election having charge of t ballots that by reason of physical disability because he cannot read he is unable to mark own ballot, shall be permitted to bring with h some person of his own selection, who shall ret with him to one of the compartments or shelv and assist such disabled voter in the preparati of his ballot by marking the same as such elec shall dictate, and shall properly fold the same order that it may be cast by such voter as ballot; said inspectors are hereby qualified administer the oath in this section before m tioned. No elector other than one who m because he cannot read or because of physical d ability, be unable to mark his ballot, shall divu to any one within the polling place, the name any candidate for whom he intends to vote, or or receive the assistance of any person within polling place in the preparation of his ballot.

Voter not to deposit ballot, unless indorsed by clerk and inspector; penalty.

SECTION 27. No person shall deposit a ballot the ballot box, upon which ballot the names initials of the ballot clerks or of a ballot clerk a inspector, as hereinbefore provided, do not appe Every person violating the provisions of this s tion shall be guilty of a misdemeanor, and up conviction shall be punished as provided in s tion 4635, of the revised statutes.

Ballot not endorsed, invalid; void ballots to be treated as defective.

SECTION 28. In the canvass of the votes, a ballot which is not endorsed, as provided in t act, by the signatures or autograph initials of ballot clerks, or of a ballot clerk and an inspec shall be void and shall not be counted. Any b lot or parts of a ballot from which it is impossi to determine the voter's choice shall be void a shall not be counted. Such ballots shall be trea

e same manner as defective

G PRECINCTS.

g districts or precincts shall
oact or contiguous territory,
t no such voting district or
in more than four hundred
ne hundred in excess thereof,
ote cast at the last presi-
if after any election to be
hat more than five hundred
uch voting district or pre-
e duty of the officers, now
the division or alteration of
ecincts, within three months
re-divide the ward, town or
ich such voting precinct may
anner by law provided for
owns into voting precincts,
shall fail to make such re-
l time, any voter of such
apply to the circuit court
hich such city or town is
ordering and commanding
vide such ward or town, ac-
isions of this act, within a
time to be specified in such
officers shall refuse, fail or
ith the provisions of such
djudged guilty of contempt
disobedience of lawful orders,
vided in chapter 150, of the
Visconsin. On or before the
er, in the year 1889, the offi-
y law with the division or
districts in cities shall, as far
divide the existing election
s in accordance with the pro-
. Such alteration or division
districts in towns shall be
the first day of July in the

Voting precincts, how divided.

Election districts, when to be divided.

ELLANEOUS.

never a proposed constitu-
other question is to be sub-
of the state for a popular

Constitutional amendments, secretary of state to certify to county clerk.

vote, the secretary of state shall duly, a
less than fifteen days before election, cert
same to the clerk of each county of the sta
the clerk of each county shall include the
in the publication provided for in section
this act.

County clerk to prepare ballots, etc.

SECTION 31. Whenever the secretary o
has duly certified to any county clerk any
tion to be submitted to a vote of the peop
county clerk shall prepare and distribute
of such form as will enable the electors
upon the question so presented in the
herein provided. The county clerk shall a
pare the necessary ballots whenever any
tion is required by law to be submitted
vote of the electors of any locality.

Errors or omissions in printing ballots, how cured.

SECTION 32. Whenever it shall appear
davit that an error or omission has occu
the publication of the names or descrip
the candidates nominated for office, or
printing of the ballots, the circuit court
proper county or the judge thereof, ma
application by any elector, by order, require
county clerk to correct such error, or t
cause why such error should not be correct

PENALTIES.

Destruction of nomination certificates.

SECTION 33. Any person who shall:

First. Falsely make, or make oath
fraudulently deface or fraudulently destro
certificate of nomination, or nomination p
any part thereof; or,

Filing or receiving certificates falsely made.

Second. File or receive for filing any
cate of nomination or nomination paper k
the same or any part thereof to be falsely
or,

Suppressing certificates duly filed.

Third. Suppress any certificate of nom
which has been duly filed, or any part the

Forging or making official endorsements on ballots.

Fourth. Forge or falsely make the offi
dorsement on any ballot, shall be deemed
of a felony, and upon conviction shall be pu
by imprisonment in the penitentiary not le
one year, nor more than three years.

Removal or destruction of supplies, conveniencies, lists or cards.

SECTION 34. Any person who shall durin
tion remove or destroy any of the supplies
conveniences placed in the shelves or co
ments for the purpose of enabling the v

, or who shall prior to or on the
vilfully deface or destroy any
posted in accordance with the
act, or who shall during an elec-
down or deface the cards printed
n of voters, shall be deemed
emeanor, and upon conviction
as provided in section 36, of this

very public officer upon whom
ed by this act who shall wilfully
perform such duty, shall be
an offense, and upon conviction
nished by imprisonment in the
itentiary for a term of not less
nd not more than three years,
less than two hundred and fifty
ore than three thousand dollars
e and imprisonment. Any per-
ge of official ballots who shall
be guilty of a felony and upon
shall be punished by imprison-
entiary not less than one year
e years. Any person who has
ver ballots to any inspector and
e so to do, shall be guilty of a
upon conviction thereof, shall
nprisonment in the county jail
six months nor more than one

Neglect of duty by public officer.

Destruction of official ballots by person in charge.

Neglect to deliver ballots.

officer of election shall do any
election day. No person shall
y candidate or party or do any
atever on election day within
or within one hundred feet of
No person shall remove any
lling place before the closing of
on shall show his ballot after it
person in such a way as to re-
hereof, or the name of the can-
es for whom he has marked his
person solicit the voter to show
son (except an inspector of elec-
from any voter a ballot pre-
No voter shall receive a ballot
rson than one of the inspectors
charge of the ballots, nor shall
han such inspectors of election

Officers not to electioneer; no person to solicit votes or electioneer within 100 feet of poll, nor remove ballots, show names marked or solicit it to be done or receive ballot from any one but inspectors.

Official ballots only to be voted or offered.

deliver a ballot to such voter. No vote
vote or offer to vote any ballot except such
has received from the inspectors of electio
ing charge of the ballots. No elector shall
any mark upon his ballot by which it n
afterward identified as the one voted by
Every voter who does not vote a ballot del
to him by the inspectors of election having
of the ballots shall, before leaving the p
place, return such ballot to such inspector.
ever shall violate any provision of this s
shall be deemed guilty of a misdemeano
upon conviction thereof, shall be punished
fine of not less than fifty dollars nor more
three hundred dollars, or by imprisonment
county jail of the proper county not more
six months, or by both fine and imprisonm
the discretion of the court, together with th
of prosecution.

Identification marks on, prohibited.

When not voted to be returned to inspector.

Penalty for violation.

Repealed.

SECTION 37. All acts and parts of acts inco
ent with the provisions of this act are h
repealed.

SECTION 38. This act shall take effect and
force from and after its passage and public

Approved April 3, 1889.

[Published April 5, 1889.]

APTER 249.

d the charter of the city of Stoughton.

(See Vol. 2.)

[Published April 5, 1889.]

APTER 250.

o crimes and the punishment mend section 4490, of the re- amended by section 1, chapter f 1880.

ate of Wisconsin, represented sembly, do enact as follows:

n 4490, of the revised statutes, ion 1, chapter 230, of the laws mended by inserting after the it first occurs in the thirteenth 1, chapter 230, of the laws of words, "or in any other capa- hen so amended said section s: Section 4490. Any convict tate prison, or house of correc- county, convicted of a crime risonment in the state prison, a limited time, who shall es- attempt by violence to escape, en or other officer or person vernment or custody of, or in in said prison or house of cor- kee county, shall be punished n said prison or house of cor- ukee county, not more than tion to his former sentence, ary confinement of not more uch time or times as the court

Amending section 4490, R. S.

Penalty for assault by escaping convict.

shall direct, and if said convict is under sen
of imprisonment for life, he shall be punish
solitary confinement at such time or times a
court shall direct.

SECTION 2. This act shall take effect and
force from and after its passage and public

Approved March 4, 1889.

[No. 18, A.] [Published April 5,

CHAPTER 251.

AN ACT relating to hotels, inns and bo
houses.

*The people of the state of Wisconsin, repre
in senate and assembly, do enact as follo*

Penalty for procuring accommodation at hotel, inn or boarding-house without paying therefor or obtaining credit by false pretense.

SECTION 1. Any person who shall put
any hotel, inn or boarding house, and shal
cure any food, entertainment or accommo
without paying therefor, except their cre
given by express agreement, with intent to
or defraud the owner or keeper of such hote
out of the pay for the same, or if any perso
obtain credit at any hotel, inn, etc., for food,
tainment or accommodation, by means o
false show of baggage, or effects brought th
or who shall, with such intent, remove, or
to be removed, any baggage or effects fron
hotel, inn or boarding house, while there is
existing thereon for the proper charges due
him for board and entertainment furnish
aforesaid, shall be punished by a fine not e
ing one hundred dollars, or imprisonmen
county jail not exceeding three months.

SECTION 2. This act shall take effect and
force from and after its passage and public

Approved April 4, 1889.

[Published April 5, 1889.]

PTER 252.

e David M. Benjamin, Will-
Henry C. Payne, their asso-
signs, to erect and maintain
Tomahawk river, in Oneida

e of Wisconsin, represented
mbly, do enact as follows:

l M. Benjamin, William S. C. Payne, their associates, e hereby authorized and em- ep up and maintain a dam k river, not less than six nor in height above low water en and fifteen, in township d range six east, in Oneida of Wisconsin, for the pur- ne navigation of said Toma- the Tomahawk lakes, and cting said lakes in said are also authorized and flow all such lands as keeping up and maintain- e purpose aforesaid, and to lands for such purpose by t in case the said David M. S. Stanley and Henry C. es, heirs or assigns, cannot s of any such lands required hase, lease or use thereof, or ge thereof, or as to the com- e for taking or flowing any purpose as aforesaid, then nin and his associates, heirs ire the same by proceedings the manner provided and 77, of the revised statutes of d by chapter 318, of the laws ns of which section as so made applicable for the pur- lands and rights of flowage. m shall be furnished with a

Authorizing David M. Benjamin et al., to erect dam across Tomahawk river, Oneida county.

May exercise rights under section 1777, revised statutes.

Slides and chutes in dam.

suitable slide and chute therein, not less th
teen feet in width, so constructed and loca
to allow logs passing over it to freely pas
said dam and down the river away from sai
Such slide and chute shall be kept open
times when there are logs or timber to ru
said dam; and no charge shall be made f
use of said slide and chute for passing log
said dam.

Gates in dam for flooding purposes, when opened, disputes regarding time, how submitted and settled.

SECTION 3. Suitable gates, not less than s
in depth, from the top of said dam, and
aggregate as wide as the river at that
shall be placed in said dam for the purp
flooding the river below the same to fa
the running of logs down said river, an
gates shall be open whenever necessary f
purpose; but the height of the water
pond and lakes above said dam shall n
that purpose, be reduced below four feet
low water mark. On or before the first
March in each year, the owner of said dan
select one person, and the governor of the
of Wisconsin shall select another, and the
selected shall, within ten days after rec
notice of such selection, select a third,
case of any failure to select as aforesa
governor of the state on application of an
son or corporation interested, and upon pr
notice of ten days, in writing, to the said o
may fill the places of the persons not yet se
by the appointment of disinterested perso
that purpose, and the three persons so s
or appointed, or a majority of them, in c
any dispute or disagreement as to the t
times of opening or closing said gates; sh
cide and determine when and how long sai
shall be opened or closed for flooding pu
provided, that said gates shall not be opene
main open for flooding purposes whe
height of water in said pond shall not
four feet above low water mark. The pers
selected or appointed shall continue to act a
umpire for one year from the first day of
of the year in which they are appointed
owners of such dam shall not be entitled t
pensation for the use of said dam or the wa
such pond for flooding purposes in the r
above provided.

gislature hereby reserves the nd or repeal the franchise vhenever in the judgment of necessary or proper to do so. act shall take effect and be in its passage and publication. 1889.

Rights reserved.

[Published April 5, 1889.]

PTER 253.

section 1934, chapter 89, of the of Wisconsin for 1878, as n 3, chapter 146, laws of 1882, nce corporations.

ate of Wisconsin, represented mbly, do enact as follows:

on 1934, of chapter 89, of the amended by section 3, chapter lating to town insurance com- mended so as to read as fol- . Every member of such cor- sustain loss or damage by fire nmediately notify the presi- ration, or in his absence, the vho shall forthwith convene d corporation, whose duty it nvened, to appoint a commit- an three nor more than five rporation, except in case the be less than three hundred president and secretary shall point such committee, to as- t of such loss or damage. en any such loss or damage amount one hundred dol- and secretary may, in their ch loss without the appoint- h committee; and provided, board of directors may ap- of not less than three mem-

Amending section 1934, R. S., town insurance companies, losses, committee of reference, duties, fees, etc.

bers of the corporation for the adjustment
losses that may occur during the year,
case of the inability of the parties to agre
the amount of such loss or damage, the cl
may appoint one disinterested person on hi
and upon receiving notice from such claim
such appointment, the president of the co
tion shall forthwith appoint a member o
corporation, and the two persons so app
shall forthwith proceed to appoint a third
who shall be disinterested, and the three p
so appointed shall constitute a committee
erence, who shall have full authority to ex
witnesses and to determine all matters
pute; who shall make their award to the
dent, or in his absence, to the secretary o
corporation, which award thereon shall be
The said cor mittee of reference shall each
lowed the sum of two dollars per day fo
day's service so rendered, and the sum
cents per mile for each mile necessarily tr
in the discharge of such duties, which sh
paid by the claimants, unless the award c
committee shall exceed the sum offered
corporation in liquidation of such loss or da
in which case the said expense shall be p
said corporation. Before entering upon
duties said committee of reference shall e
them be duly sworn to faithfully and impa
discharge the duties thereof.

SECTION 2. This act shall take effect an
force from and after its passage and publi

Approved April 4, 1889.

[Published April 6, 1889.]

APTER 254.

school district treasurers, and
443, of chapter 27, of the re-
itled, "Of common schools,"
apter 117, of the general laws

ate of Wisconsin, represented
mbly, do enact as follows:

n 443, of chapter 27, of the
titled, "Of common schools,"
apter 117, of the general laws
mended to read as follows:
easurer of each district shall,
r his election or appointment,
ict, and file with the clerk, a
nt sureties, in double the
as can be ascertained, of all
into his hands as treasurer of
ned for the faithful discharge
office, and approved by the
Such treasurer shall hold his
essor shall be elected or ap-
nd shall be executed, filed and
ed by law. Whenever the di-
ll deem the bond of any treas-
y shall demand an additional
ondition, in such sum as they
ll thereupon be executed, ap-
the manner aforesaid within
demand. The neglect or re-
nd in either case, shall vacate
, that no person employed as
rk or teacher, shall hold the
surer in the same district.
cts and parts of acts inconsis-
ions of this act are hereby re-

Amending section 443, R. S.

Treasurer to hold until successor elected or appointed.

act shall take effect and be in
r its passage and publication.
, 1889.

[No. 166, A.] [Published April 6,

CHAPTER 255.

AN ACT relating to highways, and to defin specifically the rights of abutting owne

The people of the state of Wisconsin, repre in senate and assembly, do enact as foll

Defining rights of abutting owners on highways, streets, etc.

SECTION 1. The owners of any real estat ting on any highway, street, or alley her or hereafter laid out, or used as such, shall common right in the free and unobstructed such highway, street or alley to the exten full width, and no town, city, county, comp corporation shall close up, use or obstru such highway, street or alley or any part so as to materially interfere with its useful a highway, or so as to injure or damage pr abutting thereon on either side, or autho permit the same to be done without due co sation being made for any damage resultin from to the owners of any property upo sides of the part of such highway, street so closed up, used or obstructed; provide ever, that this act shall not be so construe require the payment of damages to prop both sides of any street, highway or alley from the continued use, maintenance an ation hereafter of any railroad track or tr other public improvement heretofore lega down, built or established in any such stree way or alley.

Rights, property and easements of owners, how condemned.

SECTION 2. All rights, property and eas the owners of which would be entitled t ages under the preceding section of this a be condemned and permanently appropri any corporation legally authorized to use struct any such highway, street or alley same manner that other property may demned and taken by such corporatio suant to its charter or to the general laws state in relation to condemnation and ta land by railroad companies.

Repeal.

SECTION 3. All acts and parts of acts c ing with the provisions of this act are he

ing in this act shall have the ef-
law authorizing the vacation
of streets, avenues, lanes, al-
by the common council of any
of any village, or the supervis-
this state.
s act shall take effect and be in
the passage and publication.
4, 1889.

[Published April 6, 1889.]

APTER 256.

lating the methods of plumbing
age in cities, villages and towns
system of water supply.

state of Wisconsin, represented
ssembly, do enact as follows:

Connection with public sewer, how made.

herever in this state a system of
f public water supply has been
be established in any city, vil-
board of health of such city,
hall take immediate and entire
e plumbing and drainage or
shall thereafter be constructed
building or place therein, with
the same with any public sewer;
of drainage or sewerage with
shall be made thereafter by any
e consent of such board, and if
h consent it may be broken and

Board of health to make regulations.

board of health may make and
regulations which shall specify
hich and the materials of which
and fixtures designed to connect
in connection with the sewer-
rks of the city, village or town
cted, and may fix suitable fines
violation of such rules, and the
t one or more persons as inspec-

tors of plumbing and drainage, fix their con
sation, prescribe their duties, have full contr
their official acts, and have power to remove
from office at pleasure, and the compensati
such inspector or inspectors shall be paid b
city council or village or town board.

Not to apply, when.

SECTION 3. This act shall not apply to any
village or town which has by charter or
nance established a board, or commissione
other officer having especial supervision of pl
ing, drainage and sewerage.

SECTION 4. This act shall take effect and
force from and after its passage and publicati

Approved April 4, 1889.

[No. 585, A.] [Published April 6,

CHAPTER 257.

AN ACT a bill to amend section 4653, of ch
189, of the revised statutes, entitled, "Of i
ments, informations and proceedings b
trial."

*The people of the state of Wisconsin, repres
in senate and assembly, do enact as follo*

Amending section 4653, R. S.

Relating to information, etc., statement of district attorney for not filing if satisfactory to judge to be indorsed by him, and if defendant under commitment, clerk to serve certificate of approval with sheriff who shall forthwith discharge prisoner.

SECTION 1. Section 4653, of chapter 189, o
revised statutes, is hereby amended so as to
as follows: Section 4653. The district att
of the proper county shall inquire into and
full examination of all facts and circumst
connected with any case of preliminary ex
ation as provided by law, touching the co
sion of any offense whereon the offender
have been committed to jail, or become r
nized or held to bail, and to file an inform
setting forth the crime committed, accordi
the facts ascertained on such examinatio
from the written testimony taken the
whether it be the offense charged in the
plaint on which the examination was had o
but if the district attorney shall determine i
such case that an information ought not

ubscribe and file with the
tatement in writing, con-
fact and in law, for not
in such case; such state-
or before the term of the
fendant shall be held for
nd in such case the court
ll examine such statement,
dence filed in the case, if
therein, and if upon such
t or presiding judge shall
uch statement, the district
e proper information and
but if the said statement
court or presiding judge,
all indorse approval upon
f at the time of such ap-
n said case be confined in
for trial in said case, the
forthwith serve upon the
such defendant in custody,
e seal of the court, to the
not filing an information
approved by the court or
be; whereupon such sheriff
h discharge said defendant

shall take effect and be in
s passage and publication.
89.

[Published April 5, 1889.]

TER 258.

charter of the city of Mil-
aukee.

Vol. 2.)

[No. 612, A.] [Published April 6,

CHAPTER 259.

AN ACT to legalize the plat of Terrace Pl
the Eighteenth ward of the city of Milw

*The people of the state of Wisconsin, repre
in senate and assembly, do enact as follo*

Legalizing plat of Terrace Place, Milwaukee.

SECTION 1. The plat of Terrace place m
G. Steinhagen as surveyor, executed and ac
edged by Abner Kirby and Henry Herma
owners of the premises, and by them reco
the office of the register of deeds, in Milw
county in volume twelve of plats, page t
five, is hereby confirmed and made a lawfu
and the highway thereon and the lots nu
thereon, shall hereafter be known and de
for purposes of description, taxation and s
their name and the numbers respective
down upon said plat, and said plat shall h
favor of the public and purchasers from said
and said Herman in all courts and places f
purpose of dedication and description of the
and lots, the force and effect of a dedicat
chapter 101, of the revised statutes as well
the common law.

SECTION 2. This act shall take effect an
force from and after its passage and publi
Approved April 3, 1889.

[No. 642, A.] [Published April 6,

CHAPTER 260.

AN ACT to amend section 2457, of chapt
revised statutes, entitled, "county cour

*The people of the state of Wisconsin, repr
in senate and assembly, do enact as follo*

SECTION 1. Section 2457, of chapter 114,
statutes, is hereby amended by adding at t

wing words: "When he deems it o," so that said section when so read as follows: Section 2457. ss is sworn and examined in any eding in any county court, the all cause the testimony of the uced to writing and filed with the he matter or proceeding when he y so to do.

Amending section 2457, R. S., when testimony to be reduced to writing.

his act shall take effect and be in fter its passage and publication. l 4, 1889.

[Published April 6, 1889.]

HAPTER 261.

to the change of venue in the rt of Fond du Lac county.

state of Wisconsin, represented ssembly, do enact as follows:

henever the place of trial in any roceeding in the county court of nty shall be changed on account or other disqualification of the shall be changed to the circuit d du Lac county; and no change rial in any such action or pro- granted on the ground of the judge of said circuit court.

Change of venue in county court, Fond du Lac county, when to circuit.

henever an order is made so e of trial of any such action or id county court, such order in hange and transfer thereof and , records and files thereof, and cuit court, without any certifi- t whatever.

Order to be a change without certificate.

tion 2467, of the revised statutes, ndatory thereof, shall not apply county court of said Fond du s hereby repealed so far as it in-

Section 2467, R. S., not to apply.

cludes and applies to said county court, and
flicts with the provisions of this act, an
farther.

SECTION 4. This act shall take effect and
force from and after its passage and public
Approved April 3, 1889.

[No. 303, A.] [Published April 5, 1

CHAPTER 262.

AN ACT to authorize the building of sewer
drains in villages in this state.

*The people of the state of Wisconsin, repres
in senate and assembly, do enact as follows*

Sewers may be built in villages.

SECTION 1. It shall be lawful for the pres
and trustees of any village incorporated u
general or special law, whenever they shall
it necessary for the public health, to cause se
and drains to be made in any part of such vi
and to order and direct the construction of e
of the same, and to alter, repair or mend any s
or drain heretofore or hereafter constructed w
said village, and to cause a main sewer for
purpose of an outlet for the branch sewers
drains to be constructed without the limits o
village when necessary; and in the manner
inafter provided to cause to be made plans t
of, and estimates of the cost and expense the
and a just and equitable assessment of such
and expenses among the owners of all the
pieces and parcels of land intended to be ben
thereby in proportion to the street fronta
such lots, pieces and parcels of land.

President and trustees to lay out system, survey and plan to be made and filed.

SECTION 2. The president and trustees, pri
ordering by resolution, ordinance or other
any sewers or drains to be constructed, shal
out and determine upon a general sewerage
tem for such village, and shall cause a ca
survey, profile of grades, and plan, with all n
sary data to be made in duplicate and signe
them, and certified to as the plan of sewerag

nem. One of the said dupli-
n the office of the register of
in which such village is situ-
e filed with the village clerk;
inals shall be conclusive evi-
y of the establishment of said

president and trustees may, May borrow money to construct same.
ne construction of main sew-
of the work chargeable to the
provided for in this act, bor-
mount of one per centum of
ion of the real and personal
lage, and issue negotiable cor-
or in the manner provided in
, of the revised statutes. The
of said bonds shall be devoted
clusively to the construction
sewers and drains as in this
all be known as the general
illage treasurer shall not pay
l for any purpose other than
l maintenance of sewers and
provided.

cost of the construction of a Cost of main branchand street, manholes, catchbasins, overflow pipes, etc., how paid.
purpose of an outlet for the
he cost of the construction of
excess of the cost of a minor
in diameter, and the cost of
and alley crossings, shall be
ral sewer fund. The cost of
man-holes, catch-basins for
r from gutters and of the over-
ig them with the sewers, and
cleaning of sewers, and all ex-
orary work necessary to carry
sewerage as adopted, and all
sewers not provided for by
shall be paid out of the gen-
e cost of construction of minor
ortion of the cost of the con-
wers as shall be equal to the
of a minor sewer eight inches
paid out of moneys derived
ments on the lots, pieces or
ting on the street along which
all be constructed, as herein-

May be constructed on contract, subject to approval of president and trustees.

SECTION 5. Any portion of such sewerag tem may be constructed under contract wi president and trustees, which contract m made in such manner as the president and tees may determine; provided, however, th contract for the construction of any said p of such sewerage system chargeable to the eral sewer fund, under this act, shall be ma them until the funds for the construction said portion of said sewerage system char to the general sewer fund, shall have first provided for as authorized by section 3, c act. In all cases the work shall be subject superintendence and directions of the said dent and trustees, and no contractor shall titled to recover compensation for any or part of work executed by him in any of action unless such work shall have bee proved by the said president and trustees.

Ordinance for construction to be enacted, copy to be published and hearing allowed parties interested.

SECTION 6. Whenever the president and tees shall deem it necessary to cause to b structed any sewers or drains in accordanc the plan adopted for such village, they shall an ordinance to that effect, which shall be e in their minutes and recorded in a book ke that purpose, specifying with reasonable pa larity the specific portions of sewer or drain built, a copy of which ordinance shall be lished in the official paper of said village fo week, and all parties interested, who shall shall have a hearing before the president and tees at such time, not less than ten days fro date of said publication, as shall be appoin said ordinance.

Order for constructing, how made; cost, how to be assessed.

SECTION 7. If, after such hearing, the pre and trustees shall determine to proceed th they shall make an order to that effect, and make an estimate of the entire cost and ex of the work ordered, including the contract titles to, or easements in, lands necessary f purpose of such work and the expense proceedings necessary to the laying out of sewers and drains. The president and tr shall then assess the proper proportion of estimated cost and expense, according to th visions of this act against all lots, piece parcels of land fronting or abutting on the so ordered to be done on each side of the

proportion to the frontage
parcels of land fronting or
of said sewers or drains.

Assessment lists to be made, signed and filed and annexed to warrant for collection.

he assessment being made
receding section, an assess-
de to resemble as nearly as
tax roll of towns in its
ed with a column in which
red by the treasurer of the
hereof shall be made by the
ned by the president and
pies shall be filed with the
the president and trustees
rrant for the collection of
t and the clerk shall forth-
with the warrant annexed
r. The said warrant shall
ident and clerk and sealed
l.

To be prima facie evidence of regularity, assessment to be lien.

assessment list filed with
e delivered to the treasurer
places be prima facie evi-
ty of all prior proceedings
s therein specified; and all
sed and all costs, charges
shall be liens on such real
be considered in law and
over all other liens except
real estate so assessed.

Notice to be given owners.

ever the president and trus-
out and delivered to the
assessment list aforesaid,
tify the owners of the lots,
land named in said list, by
wo weeks successively in
lished in said village, and
notice a time or times, not
nor more than forty days
when the said owners may
ial assessments charged in

Moneys collected, how applied.

The treasurer shall keep an
ll moneys coming into his
cial assessments and shall
arate from all other funds.
om such special assessments
appropriated exclusively to
e work for which such spe-

cial assessments were ordered, and shall be
as the special sewer fund.

Delinquent list to be made and added to tax roll.

SECTION 11. At the expiration of fort
from the date of the said notice given b
treasurer, he shall make out and deliver
clerk of the town in which such village is s
a certified list of the lots, pieces and par
land in said village upon which any such
assessment remains unpaid with the a
of such delinquent assessment upon ea
said lots, pieces and parcels of land;
such list be returned to said town clerk
the completion of the tax roll of said town
same year, the said clerk shall add the said
quent assessments to the said tax roll, oppo
the description of the proper lots, pieces or pa
land therein; and the said delinquent special
ments shall be collected with and in the sam
ner as the town taxes. If such list shall be re
to the town clerk after the completion of t
roll and before the town treasurer's return o
quent taxes, he shall deliver said list to th
town treasurer who shall collect the same
the other taxes in said village, and add wh
mains uncollected of said special assessm
his list of delinquent taxes returned to the
treasurer, who shall collect the same or s
lots, pieces or parcels of land aforesaid fo
delinquent assessment or tax, and all proce
in relation thereto shall be the same in
spects as in case of lands sold for other

Sale on delinquent taxes.

quent taxes. Every town treasurer or
treasurer who shall collect or received any
on account of such delinquent assessment
pay the same to the treasurer of the prop
lage and take duplicate receipts therefor,
one of said receipts with the clerk of his to
county.

Work, when to be done at expense of village.

SECTION 12. Whenever any lot, piece or
of land shall have been returned delinque
any such special assessment, as hereinbefo
vided, the president and trustees may cau
work to be done at the expense of the vill
be re-imbursed by such tax when collected

When village embraces parts of two towns, certified lists to be made.

SECTION 13. In case a village shall em
parts of two or more towns, the village tre
shall deliver to the town clerk or town tre
of each town a certified list, as provided

delinquent assessments on
of land as are situated in
and such assessments shall
paid over in the manner
n, and in the manner pro-
collections of other special
age.

be the duty of the presi- Duty of trustees as to construction of private drains, etc., not to connect without consent.
that proper private drains
ted from every lot in said
judgment requires it, and
ns or sewers are made to
public sewers in a proper
l have power to determine
f the construction and con-
No private drain shall be
public sewer without the
first issue their order or
ction. The president and
ower by ordinance, under
compel strict compliance May impose penalties.
d regulations in relation
any person who shall wil-
ct any public or private

and parts of acts conflict- Repeal.
of this act are repealed.
shall take effect and be in
passage and publication.
89.

[Published April 6, 1889.]

TER 263.

o salaries of circuit judges.

of Wisconsin, represented
ly, do enact as follows:

the several judges of the Appropriation to circuit judges of $400 for expenses after July 1, 1889.
ate shall receive the sum
per annum as and for his
ile in the discharge of his

duties as such judge in addition to the sala
provided for by law, and this act shall a
the several judges now in office; such exp
be computed from and after the first day
A. D. 1889, and paid quarterly at the time
the manner that the salaries of such jud
paid.

Appropriation. SECTION 2. There is hereby appropriate
ally out of the general fund a sum suffi
carry out the provisions of this act.

Repeal. SECTION 3. All acts and parts of acts
ing with the provisions of this act, so far
conflict herewith, are hereby (repealed).

SECTION 4. This act shall take effect a
force from and after its passage and publi
Approved April 4, 1889.

[No. 18, S.] [Published April

CHAPTER 264.

AN ACT to appropriate to the Veteran's
Waupaca, the sum of money therein n

*The people of the state of Wisconsin, rep
in senate and assembly, do enact as fol*

Appropriation to Veterans' Home, Waupaca. SECTION 1. There is hereby appropr
the Wisconsin Veteran's Home at Waup
of any money in the treasury, not o
appropriated, and for the uses and purpose
mentioned, as follows: To pay indebted
said home already incurred, nine t
dollars; for water supply and heating p
ten thousand dollars; for the erecti
construction of cottages, six thousa
lars; for other permanent improveme
including dining room and kitchen and
ing the same, woman's hall, widow's livin
directors and superintendent's room an
store room, furnishing and heating
cemetery grounds and improvements
laying out, fencing and improving the gr
the home, sewerage, clothing for inmate

house, barn, farming utensils, gons, hay and platform scales, h other improvements and certified by the president and ard of trustees of said home m not to exceed in the aggre- ousand dollars.

Treasurer of trustees to execute bond to state.

e any money appropriated by wn from the state treasury, home as herein provided, the ard of trustees of said home cute to the state of Wisconsin, sum of fifty thousand dollars good and sufficient sureties, justify their liability on oath; bond to be approved by the bond shall be conditioned upon est application of all moneys is act and received by such uses and purposes in this act rect and faithful accounting act provided; and such bond cuted and approved, shall be office of the secretary of state.

How to be drawn from treasury.

several sums appropriated by time to time as required, after ling the bond provided for in on be drawn in whole or in e of the president and secre- f trustees of said home which forth the amount of money what specific purpose. Such officially endorsed by the sec- when approved by the gov- presentation, be paid by the vided, however, that the ac- Visconsin Veteran's Home of y appropriated shall vest the te of said home in the state of to the right of said home to ment and possession of said ome for soldiers, sailors and wives and widows as long as said real estate for such pur- sconsin Veterans' Home shall ate to the state of Wisconsin cient warranty deed in accord- and intent of this act within

one year after the passage and publicatio
act.

Treasurer of Board to report to legislature.

SECTION 4. The treasurer of the board
tees of the Wisconsin Veteran's Home,
close of the fiscal year next preceding t
nial session of the legislature of this state
shall make a report to such legislature, w
port shall contain, in addition to a true st
respecting the general condition of the h
its inmates, an itemized statement of all
received on account of said home by the t
of such board from the state, and a corr
itemized account of all expenditures the
cluding when and for what purpose the s
expended.

SECTION 5. This act shall take effect a
force from and after its passage and pub

Approved April 4, 1889.

[No. 33, S.] [Published March

CHAPTER 265.

AN ACT to amend section 1, of chapte
the general laws of 1887, entitled, "a
appropriate a certain sum to the W
Veterans' Home."

*The people of the state of Wisconsin, rep
in senate and assembly, do enact as foll*

Amending section 1, chapter 513, laws 1887.

SECTION 1. Section 1, of chapter 513, of
eral laws of 1887, entitled, "an act to app
a certain sum to the Wisconsin Veterans'
is hereby amended by striking out of said
at the close thereof, the words: "or suc
tute women residents of the state of Wisc
were the wives of the Union soldiers, sai
marines during the time of the civil war,"
adding in lieu thereof, the words, "or suc
tute women, residents of the state of Wi
as are the wives or widows of men wh
Union soldiers, sailors and marines dur
time of the civil war," so that said sectio

read as follows: "Section 1.
consin Veterans' Home, an in-
porated, pursuant to the laws
the auspices of the depart-
Grand Army of the Republic,
founding and maintaining a
honorably discharged Union
marines of the late civil war,
wives and widows who may
is state, shall have been es-
in operation, and such fact
tified by the department com-
artment of Wisconsin Grand
blic to the governor of this
three dollars a week for
h home shall be paid by the
he treasurer of the board of
me quarterly, upon bills prop-
oath, by the president and sec-
l of trustees, stating the name
whose maintenance therein
be claimed, and the length
quarter each of such persons
naintained therein; provided,
l be paid from the state treas-
enance of any inmate in said
' Home except destitute Union
marines who have been hon-
who are residents of the state
who cannot be received into any
disabled volunteers, or such
esidents of the state of Wis-
ives or widows of men who
s, sailors and marines during
l war.

Who may be admitted to home.

act shall take effect and be
after its passage and publi-

, 1889.

[No. 163, S.] [Published April

CHAPTER 266.

AN ACT to amend chapter 52, of the revis
utes, entitled, "of highways and bridg

The people of the state of Wisconsin, rep
in senate and assembly, do enact as foll

Amending section 1267, R. S., discontinuing highway, notice of hearing.

SECTION 1. Section 1267, of chapter 52 revised statutes, entitled, "of highwa bridges," is hereby amended so as to rea lows: Section 1267. On application mad pervisors for laying out, widening, alt discontinuing any highway, they shall m a notice fixing therein a time and place a they will meet and decide upon such app The applicants shall, at least five days to such time, cause such notice to be giv the occupants of the lands through whi highway may pass; and in case such ap shall be for the discontinuance of the w any portion of the highway, such notice given to the occupants of all the lands a on such highway, the whole or any part o is sought to be discontinued, which noti be served personally or by copy left wit the usual place of abode of such occupant lands, and such notice shall also be poste three public places in said town, at least t before the time of such meeting of the sup Every such notice shall specify as near as cable, the highway proposed to be la widened, altered or discontinued, and the tracts of land through which the same m and in case the application is for the dis ance of all or of a part of any highway, s tice shall contain a description of the lan ting upon such highway which will be b injured or damaged by the discontinuance highway or any part thereof.

How served, what to contain.

When for discontinuance.

Amending section 1270, R. S., damages to be ascertained, appeal.

SECTION 2. Section 1270, of said chapt hereby amended by adding thereto at thereof, the following: The damages s by the owner of any lands by reason of continuance of any highway or of any p

ascertained and may be ap-
rovided in this section, and no
shall be discontinued so as to
of any lands of access there-
ighway.

tion 1271, of said chapter 52, is
by inserting after the word,
before the words, "any high-
line of said section, the words,
g," so that said section when
d as follows: Section 1271. If
ll at the same time be discon-
tract of land though which, or
a new or altered highway shall
me may be taken into consider-
g the damages sustained by the
aying out such new or altered
estimating the damages sus-
son in laying out, altering, wid-
uing any highway, the benefits
may receive thereby shall be
ration.

Amending section 1271, R. S., rule in estimating damages.

tion 1272, of said chapter 52, is
o read as follows: Section 1272.
ll be deemed necessary to lay
r discontinue a highway upon
wo towns, or to discontinue, in
any highway extending from
ner adjoining town, it shall be
ervisors of each of said towns
nd if such highway is laid out
be either upon said town line,
as the situation of the ground
ey may vary the same either
other of such line, as they may

Amending section 1272, R. S., discontinuing highway on town line.

ion 1274, of said chapter 52, is
by inserting after the words,
in the third line of such section,
continue a highway or any part
from a town to a city or vil-
d section, when amended, shall
Section 1274. Whenever it
necessary to lay out, alter,
nue a highway upon the line be-
city or village; or discontinue
part thereof extending from a
village, the application therefor

Amending section 1274. Same extending from a town to city or village.

shall be in duplicate, addressed to the supe
of the town, and the common council of t
or the board of trustees of the village,
signed by at least six freeholders of the to
six freeholders of the city or village. The
such common council or board of trustee
appoint three commissioners on the part o
city or village, who shall be duly sworn t
fully discharge their duties as such comm
ers, before entering on the same. Such c
sioners and town supervisors shall the
notice and proceed in all respects as provi
the supervisors of adjoining towns in t
preceding section; and such city or villa
be in like manner as a town responsible f
part of such highway determined to be ma
kept in repair by the same, and for the s
damages assigned to the same. All proce
and orders required to be filed and recorde
be filed and recorded in the office of the
village clerk, as well as in the office of th
clerk.

SECTION 6. This act shall take effect an
force from and after its passage and public

Approved April 4, 1889.

[No. 133, S.] [Published April 6

CHAPTER 267.

AN ACT to authorize David Buckwheat to
tain a ferry across Lake St. Croix, at Hu

*The people of the state of Wisconsin, repr
in senate and assembly, do enact as follo*

Authorizing David Buckwheat to keep ferry across Lake St. Croix at Hudson.

SECTION 1. David Buckwheat, his heir
ciates and assigns, are hereby granted th
exclusive to keep and maintain for the
ten years from the fifth day of March,
ferry across Lake St. Croix at any and all
between the West Wisconsin Railway
across Lake St. Croix, at Hudson, in St.
county, and the north line of township t

y, and South Stillwater and the
Washington county, in the state

re shall be kept for use upon boat or boats and said Buck-associates and assigns, shall, at irs, provide good and sufficient ge for passengers, teams, and pt when it shall be dangerous f the weather on said lake to

How kept and constructed.

e said David Buckwheat, his nd assigns, shall be entitled to nd and receive payments for upon said ferry according to s, to wit: For each foot pas- for each team of two horses, ded or unloaded, with or with- cents if with a vehicle, and out a vehicle; for each single with a vehicle with or without ive cents; for each ox, mule, ut a vehicle, twenty cents; for n cents each; for ten or more s each; for each single sheep or above specified, five cents.

May collect tolls.

legislature hereby reserves the end or repeal this act at any

Right reserved.

s act shall take effect and be in er its passage and publication.
4, 1889.

[No. 572, A.] [Published April 6,

CHAPTER 268.

AN ACT in relation to the drawing, strikin
impanneling of juries in certain case

The people of the state of Wisconsin, repr
in senate and assembly, do enact as follo

Struck jury may be had.

SECTION 1. In all civil actions in courts
ord of this state having civil jurisdiction,
the amount in controversy equals or excee
sum of one thousand dollars, a struck ju
the trial of such action may be obtained by
party in the manner hereinafter provided.

Party to file demand with clerk, certified copy to sheriff, how served.

SECTION 2. Whenever a struck jury is d
necessary by either party for the trial of
sue in any action or proceeding in the
court, such party may file with the clerk
court a demand in writing for such jury,
upon such clerk shall forthwith deliver a c
copy of such demand to the sheriff of the c
who shall give to both parties four days'
of the striking of the same.

Sheriff to select list.

SECTION 3. At the time designated, said
shall attend at his said office and in the pr
of the parties or their attorneys, or such o
attending for that purpose, shall select fr
number of persons qualified to serve as
within the county, forty such persons as h
think most indifferent between the parti
best qualified to try such issue; and th
party requiring such jury, his agent or at
shall first strike off one of the names, and
posite party, his agent or attorney, anoth
so on alternately, until each shall have stru
twelve. If either party shall not attend in
or by attorney, the sheriff shall strike
party not attending. When each part
struck out twelve names as aforesaid, the
shall make a fair copy of the names of
maining sixteen persons, and certify the
under his hand to be the list of the jurors
for the trial of such cause or proceedin
shall deliver the same to the clerk of the
who shall thereupon issue and deliver

Parties to strike from list 12 names.

Sheriff to certify list.

ty a venire with the names in
annexed thereto; and such
other officer shall summon the
cording to the command of
n the trial of the cause, the
l be called as they stand upon
irst twelve of them who shall
t challenged for cause or set
shall be the jury, and shall
e issue joined in said cause or
ed, that if a sufficient number
he trial of said cause, the court
n to be called as in other cases.

Who to serve.

said sheriff is interested in the
gs or related to either of the
ot stand indifferent between
the said court may name any
to strike the jury and to do
ngs required to be done relat-
g of the same, but in no case
y to strike such jury more than
to the term of the court at
proceeding is to be tried, and
of the venire shall be held

When sheriff disqualified to strike jury.

party requiring such struck
he costs and fees for drawing,
noning such jurors, and the
mileage and attendance for
ror so attending, and shall not
therefor in the taxation of

Who to pay costs.

ry struck for a trial at any is-
ar term of the court, may be
continuance of the cause and
oned as jurors for the subse-
all remain and be the jurors
particular cause at any sub-

Jury may be continued with cause.

cts and parts of acts conflict-
ions of this act are hereby re-

Repeal.

act shall take effect and be in
r its passage and publication.
, 1889.

[No. 175, S.] [Published April 6

CHAPTER 269.

AN ACT to repeal chapter 213, of the l
1887, entitled, an act to amend section
1887, 1888 and 1892, of the revised stat
Wisconsin, entitled "of plank and tu
corporations."

*The people of the state of Wisconsin, repr
in senate and assembly, do enact as follo*

Repeal of chapter 213, laws 1887, and restoring sections 1886, 1887, 1888, 1892, R. S.

SECTION 1. Chapter 213, of the laws
entitled, an act to amend sections 1886, 18
1888, of the revised statutes of Wisconsin,
"of plank and turnpike corporations," is
repealed, and said sections 1886, 1887, 18
1892, as they appear in said revised statu
hereby restored and re-enacted.

SECTION 2. This act shall take effect an
force from and after its passage and publ
Approved April 4, 1889.

[No. 185, S.] [Published April

CHAPTER 270.

AN ACT to amend an act, entitled, "Ar
authorize Leander Choate, his associate
and assigns, to build and maintain a dam
Eagle river, in Oneida county, Wiscons
proved April 14, 1887.

*The people of the state of Wisconsin, repr
in senate and assembly, do enact as foll*

Amending chapter 512, laws 1877, authorizing Leander Choate et al., to build a dam across Eagle river, Oneida county.

SECTION 1. Section 1, of the act entitle
act to authorize Leander Choate, his ass
heirs and assigns, to build and maintain
across Eagle river, in Oneida county, Wi
approved April 14, 1887," is hereby amend
to read as follows: Section 1. Leander

rge Gerry and Walter Scott, irs and assigns, are hereby , construct, repair and main- across Eagle river, on section ship forty north, and range nty of Oneida, Wisconsin, for oving said stream and facili- nd driving of logs down and river and for such pur- ne power to overflow any s shall be necessary for their title thereto for such purposes e, or by proceedings for con- nanner prescribed by section d statutes of Wisconsin, as 318, of the laws of 1882, for ike purposes by corporations; f said section, as so amended, licable for the purpose of ac- and the right to overflow the ction and maintenance of the ent hereby authorized; but it r any person or persons oper- to hold back at any time the er and lakes to the detriment erson who may be moving or other timbers on the main

Additional powers granted.

act shall take effect and be in its passage and publication. 1889.

[Published April 6, 1889.]

APTER 271.

section 2347, of chapter 108, of es, entitled, "of the property women."

te of Wisconsin, represented mbly, do enact as follows:

n 2347, of chapter 108, of the itled, "of the property rights is hereby amended by strik-

Amending section 2347, R. S.

ing out the word, "of," in the fifth line
section, and inserting in lieu thereof the
"on his own life, or on," so that said sectio
amended shall read as follows, viz: Secti
Any married woman may in her own na
in the name of a third person as her truste
his assent, cause to be insured for her s
the life of her husband, son or other pers
any definite period, or for the natural life
person; and any person, whether her husb
not, effecting any insurance on his own
on the life of another, may cause the sam
made payable or assign the policy to a
woman, or to any person in trust for her
benefit; and every such policy when expr
be for the benefit of, or assigned or made
to any married woman or any such truste
inure to her separate use and benefit and
her children, and in case of her surviving
riod or term of such policy, the amount
insurance shall be payable to her or her
for her own use and benefit, free from the
of her husband and of the person effectin
signing such insurance, and from the cl
their respective representatives and cr
But if the annual premium on any such
shall exceed the sum of one hundred and fi
lars, and is paid by any person with intent
fraud his creditors, an amount equal to t
miums so paid in excess of said sum, with
thereon, shall inure to the benefit of suc
tors, subject, however, to the statute of
tions. The amount of any such insuran
be made payable, in case of the death
married woman before the period at whic
comes due, to her children, or to their g
for their use, if under age, or to any other
as shall be provided in the policy. In su
the receipt of such married woman, or
children, or of their guardian, if minors, sl
charge the insurance corporation from
ther liability therefor. The provision of t
tion shall apply to all insurance on lives
before the passage of these statutes.

Husband or other person may cause insurance on lives made or assigned to married women.

SECTION 2. This act shall take effect a
force from and after its passage and publ

Approved April 4, 1889.

[Published April 6, 1889.]

APTER 272.

rize school boards to purchase
ted States flags.

tate of Wisconsin, represented
embly, do enact as follows:

United States flags may be purchased by school boards.

school board of any city or dis-
horized to purchase, at public
re flags of the United States
in the school room or rooms
; also to purchase such neces-
may be necessary for properly
g or flags; provided, however,
one flag and appurtenances
for each department.
act shall take effect and be in
er its passage and publication.
4, 1889.

[Published April 6, 1889.]

APTER 273.

d sections 385 and 386, of the
of 1878, entitled, "of the uni-

tate of Wisconsin, represented
embly, do enact as follows:

Amending sec's 385, R. S., object of university.

ion 385, of chapter 25, of the
1878, is hereby amended so as
The object of the University
be to provide the means of
gh knowledge of the various
ing connected with literary,
al and professional pursuits,
shall consist of the following
ents, viz:

1. The college of letters and science.
2. The college of mechanics and engine
3. The college of agriculture.
4. The college of law.
5. Such other colleges, schools or depa

as now are or may from time to time b
thereto or connected therewith.

Amending sec. 386, R. S., colleges what to embrace.

SECTION 2. Section 386, of chapter 25
revised statutes of 1878, is hereby amend
to read as follows: The college of lett
science shall embrace liberal courses of ins
in language, literature, philosophy and
and may embrace such other branches a
gents of the university shall prescribe.
lege of mechanics and engineering shall
practical and theoretical instruction in t
ous branches of mechanical and eng
science and art, and may embrace such ad
branches as the regents may determine.
lege of agriculture shall embrace ins
and experimentation in the science of agr
and in those sciences which are tributary
and may embrace such additional branche
board of regents shall determine. The co
law shall consist of courses of instruction
principles and practices of law, and may
such other branches as the regents ma
mine.

SECTION 3. This act shall take effect a
force from and after its passage and pub

Approved April 4, 1889.

[No. 348, S] [Published April

CHAPTER 274.

AN ACT to amend section 4719, of chap
revised statutes, entitled, "of appeals, ne
and exceptions in criminal cases."

*The people of the state of Wisconsin, rep
in senate and assembly, do enact as foll*

SECTION 1. Section 4719, of chapter 19
revised statutes of 1878, is hereby amen
adding thereto the following: Such pet

gned by the defendant or his
ll set forth specifically the
ch the defendant will rely for a
same shall be filed with the
of the county in which the ac-
east twenty days before the ar-
notion; but the court may by
time. If the defendant desires
it upon such motion, copies of
served upon the district attor-
y days before the argument of
t said section, when amended,
vs: Section 4719. The circuit
term in which the trial of any
rmation shall be had, or within
r, and in either case, before or
the petition or motion in writ-
ant, grant a new trial for any
by law a new trial may be
t shall appear to the court that
en done, and on such terms or
ourt may direct. Such petition
e signed by the defendant or
shall set forth specifically the
ch the defendant will rely for
he same shall be filed with the
of the county in which the
t least twenty days before the
motion; but the court may by
time If the defendant desires
its upon such motion, copies of
served upon the district attor-
y days before the argument of
shorter time as the court may

act shall take effect and be in
er its passage and publication.
4, 1889.

Amending sec. 4719, R. S., new trial, petition or motion for, what to state.

[No. 477, A.] [Published April

CHAPTER 275.

AN ACT to amend section 3314, of the statutes, relating to liens.

The people of the state of Wisconsin, rep in senate and assembly, do enact as fol

Amending sec. 3314, R. S., liens, what property liable and who en titled to a.

SECTION 1. Section 3314, of the revised as amended by the laws of 1881, 1885 and hereby amended so as to read as follows: 3314. Every person who, as principal co architect, civil engineer or surveyor, any work or labor, furnishes any mat prepares any plans or estimates for, in the erection, construction, repairs, prote removal of any dwelling house or other or any machinery erected or constructed be, or become a part of the freehold upo it is to be situated, or of any bridge, or in ing up of any water lot, or the cons thereon of any wharf or permanent ere in the dredging of the channel in front water lot, or in digging or constructing or fountain, or in digging, building or any fences upon land, and the making o ing of any walk, sidewalk or curbing, up irrespective of any easement on or over s or doing manual labor thereon, shall lien thereupon, and upon the interes owner of such dwelling house, buildi chinery, bridge, wharf, erection thereo fountain or fence, walk, sidewalk or cu and to the land upon which the same ated, or of the person causing such manu to be done, and upon the water lots so fil front of which such dredging is done, not ing forty acres, or if within the limits o corporated city or village, upon the parcel of land used or designed for use nection with such dwelling house, build chinery, bridge, wharf, erection thereo fountain or fence, walk, sidewalk or cu upon such water lot or land on which su ual labor is done, not exceeding one acr

Priority of lien.

any other lien which orgini-
the commencement of the
, removal or work aforesaid
dwelling house, building, ma-
arf or erection thereon, well,
, sidewalk or curbing, water-lot
o attach to and be a lien upon
any person on whose prem-
nents are made, such owner
nereof and consenting thereto,
l as provided in this chapter.
shall order or contract for the
chinery to be placed or con-
any building or premises, and
ing an interest in such build-
r connected with which such
, sufficient for a lien, as pro-
pter, to secure payment for
person furnishing such ma-
and retain a lien upon such
l have the right to remove
or premises such machinery,
e default in the payment of
en due, leaving such building
od condition as they were be-
was placed in or on the same.
ct shall take effect and be in
its passage and publication.
1889.

Lien on machinery.

[Published April 6, 1889.]

PTER 276.

ne charter of the city of Beloit.

See Vol. 2.)

[No. 165, S.] [Published April 6

CHAPTER 277.

AN ACT to amend section 3078, of the
statutes, entitled, "of actions of ejectm

The people of the state of Wisconsin, rep
in senate and assembly, do enact as foll

Amending sec. 3078, R. S., when defendent entitled to have condemnation of lands, facts to be set up in answer. When allowed costs.

SECTION 1. Section 3078, of the revis
utes, entitled, "of actions of ejectment,"
by amended by adding at the end thereof,
lowing: If the defendant is entitled to h
lands described in the complaint or a
thereof condemned for public use under t
of this state, the defendant shall answer,
forth the facts and the purpose for wh
lands are required. If it shall be made to
to the satisfaction of the court that no p
ings for the condemnation of said lands h
instituted when said action was commen
that the defendant is authorized by law
such lands for public use, the court may
stay of proceedings until such time as the
ant can, with due diligence, institute a
plete condemnation proceedings in relatio
lands, and if it shall appear that the plainti
titled to judgment, the defendant shall
costs in the original action.

SECTION 2. This act shall take effect a
force from and after its passage and pub

Approved April 5, 1889.

[Published April 8, 1889.]

HAPTER 278.

end section 1, of chapter 201, of 1882, in relation to fences.

e state of Wisconsin, represented assembly, do enact as follows:

mend section 1, chapter 201, by d of said section the following: his act shall not be construed to r of swine from any damage they n enclosed premises of an adjoin-

Amending ch. 201, laws 1882, owner of swine liable for damages.

his act shall take effect and be in after its passage and publication. il 5, 1889.

[Published April 8, 1889.]

HAPTER 279.

g to the rate of interest on trust funds.

e state of Wisconsin, represented assembly, do enact as follows:

'he commissioners of public lands Visconsin, are hereby authorized to loan the trust funds of the of interest not less than five per um; provided, all such loans shall cordance with the provisions of e revised statutes and the several thereof.

Rate of interest on trust funds.

his act shall take effect and be in after its passage and publication. il 5, 1889.

[No. 296, S.] [Published April 8,

CHAPTER 280.

AN ACT act to amend chapter 109, of statutes of 1878, entitled, "of divorce

The people of the state of Wisconsin, repre in senate and assembly, do enact as follo

Judgments in divorce may provide that wife may assume former name.

SECTION 1. Chapter 109, of the revised st of this state, is hereby amended by adding end of said chapter as follows: It shall b ful for any and all courts in this state having diction to grant divorces, and any and a courts are hereby authorized and empowe rendering a judgment of divorce in any act such judgment, to change the name whi wife acquired by marriage to that by whi was known and called prior to entering in contract of marriage.

SECTION 2. This act shall take effect and force from and after its passage and publi

Approved April 5, 1889.

[No. 327, S.] [Published April 8

CHAPTER 281.

AN ACT relating to the salary of the depu road commissioner and appropriating a sum of money therefor.

The people of the state of Wisconsin, repre in senate and assembly, do enact as follo

Appropriation, salary of deputy railroad commissioner.

SECTION 1. The salary of the deputy ra commissioner shall hereafter be one tho seven hundred and fifty dollars per annum ble monthly out of the state treasury upo rant drawn by the secretary of state.

SECTION 2. This act shall take effect an

er its passage and publication.
4, 1889.

[Published April 8, 1889.]

APTER 282.

e for increasing the facilities of
of mechanic arts, of the state
o establish courses in railway
gineering there; and making an
erefor.

tate of Wisconsin, represented
sembly, do enact as follows:

provide for needed additional
ruction in the department of
he state university, and for the
ourses of instruction in railway
ineering therein, there is here-
priated to the university fund
t. of the funds derived by the
nse tax upon railroad compan-
ompanies, or other transporta-
d upon telegraph companies,
es and other electrical compa-

One per cent. of funds derived from tax of railroads, etc., appropriated to university.

act shall take effect and be in
er its passage and publication.
5, 1889.

CHAPTER 283.

AN ACT to authorize George A. Whiting, W
T. Whiting and R. C. Russell to build and
tain a dam across the Wisconsin river in P
county, Wisconsin, and other improveme

The people of the state of Wisconsin, repr
in senate and assembly, do enact as follo

Authorizing Geo. A. Whiting, et. al., to build dam across Wisconsin river, Portage county.

SECTION 1. George A. Whiting, Willi
Whiting and R. C. Russell, their heirs,
and associates, or any company or corp
organized by them, or their heirs, assi
associates, are hereby authorized and e
ered to erect, construct, keep and main
dam or dams, booms, piers and other im
ments, or any or either, across and
Wisconsin river, at, in and on section ei
town twenty-three north, of range eight
the county of Portage, in the state of Wis
the same to be so erected and maintained
purposes of improving the water power, a
use and enjoyment of the said Wisconsin
on section eight for manufacturing and b
purposes, and such as said parties may dee
essary for such purposes. Said dam or dam
be built and maintained with a suitable sli
such pier or piers, boom or booms, or oth
provements, with suitable conveniences, t
running of logs, timber or lumber over or t
the same shall not be unreasonably dela
impeded. The said parties as aforesaid, for
ing the land, privilege and appurtenances
sary for flowage or flowage rights, and to
fully carry out the provisions of this and
enjoy the rights granted, may exercise, ass
enjoy all the rights, privileges and powers
and conferred to and upon corporations by
1777, of chapter 86, of the revised statutes
state of Wisconsin, and chapter 318, of th
of Wisconsin of 1882, and any act or acts
of the state of Wisconsin amendatory
section 1777, of said revised statutes, or a
or acts amendatory thereof.

May exercise rights under sec. 1777, R. S.

The right to amend or repeal this reserved to the legislature. Rights reserved.

This act shall take effect and be in d after its passage and publication.

pril 5, 1889.

[Published April 9, 1889.]

CHAPTER 284.

ting to the duties of the state super-
nd to amend subdivision 3, of sec-
chapter 11, of the revised statutes,
the state officers."

the state of Wisconsin, represented d assembly, do enact as follows:

Subdivision 3, of section 166, of chap- revised statutes, entitled, "of the is hereby amended to read as fol- prescribe rules and regulations for ent of school district libraries, and hich shall be imposed by the dis- r any violation of such rules and e shall prepare for the use of com- ficers suitable forms for making re- ducting all necessary proceedings; e the laws relating to common he rules and regulations and forms such instructions as he shall deem e printed in pamphlet form, with a and he shall cause such pamphlets ed among the several district and having the care of common schools e state; he shall from time to time, ulars and bulletins of information, with teachers and school officers atters connected with the man- blic schools, and the administration e shall prepare and publish from as occasion may require, courses of aded and for high schools, with such instructions appended as may be

Amending subdivision 3, section 166, R. S., duties of state superintendent as to district libraries.

deemed necessary, for distribution to sch
cers, teachers and others interested. The p
herein authorized shall be done at the exp
the state by the person authorized to do t
printing.

SECTION 2. This act shall take effect a
force from and after its passage and publ

Approved April 8, 1889.

[No. 78, S.] [Published April 9

CHAPTER 285.

AN ACT to amend subdivision 14, sectio
chapter 48, of the revised statutes of 1
titled, "of the assessment of taxes."

*The people of the state of Wisconsin, repr
in senate and assembly, do enact as follo*

Amend subdivision 14, sec. 1088, R. S., property exempt from taxation, cable or electric railroads not.

SECTION 1. Subdivision 14, of sectio
chapter 48, of the revised statutes, is
amended to read as follows: The track, r
way, depot grounds and buildings, machin
rolling stock, and all other property nec
used in operating any railroad in this state
ing to any railroad company, including p
or pile and pontoon railroads, and shall
forth remain exempt from taxation for a
pose, except that the same shall be sub
special assessments for local improvement
and villages; and all lands owned or clai
any such railroad company, not adjoini
track of such company, shall be subject
taxes. The provisions of this subdivisio
not apply to any railroad that now is or s
operated by horse, cable or electrical
whether now or hereafter constructed, in a
or village.

SECTION 2. This act shall be in force an
from and after its passage and publicatio

Approved April 8, 1889.

[Published April 9, 1889.]

APTER 286.

to the loss or destruction of
nent and tax rolls.

state of Wisconsin, represented
embly, do enact as follows:

Assessment rolls when lost or destroyed, how replaced. Duty of board of review.

enever the assessment roll of
trict in this state shall be lost
e the second Monday of No-
r, and before the tax roll there-
mpleted, the assessor of such
shall immediately prepare a
soon thereafter as practicable
sment of the property in his
ard of review for such assess-
have adjourned without day,
assessment is completed, such
all again meet at a time fixed
town, city or village, not later
Monday in November, and like
be had, as near as may be, in
ew assessment and assessment
other assessments, and such
otice of the time and place of
he board of review as is pro-
1060, of the revised statutes.
nt and assessment roll shall be
sment and assessment roll of
strict to all intents and pur-
assessor shall fail to make such
the board of review shall fail
the same or in case any assess-
or destroyed after the second
ber in any year and before the
is completed, or in case both
l and tax roll are lost or de-
unty clerk shall make out and
l in manner and with like
n section 1084, of the revised

Tax rolls, how replaced.

never a tax roll in any town,
this state shall be lost or de-
same has been returned by the

treasurer or sheriff holding the same, a r
shall be prepared in like manner, and w
warrant as the first, and delivered to suc
urer or sheriff, who shall complete the c
of the taxes and return such new tax rol
manner provided for the original tax roll.

SECTION 3. This act shall take effect ar
force from and after its passage and publ

Approved April 8, 1889.

[No. 127, S.] [Published April

CHAPTER 287.

AN ACT to amend sections 13 and 19, of
377, of the laws of 1885, entitled, "An a
tablish a state public school for depend
neglected children; to appropriate certa
of money therein named."

*The people of the state of Wisconsin, rep
in senate and assembly, do enact as foll*

Amending sec. 13, ch. 377, laws 1885, state public school.

SECTION 1. Section 13, of chapter 377
laws of 1885, is hereby amended so as to
follows: Section 13. As soon as the stat
school buildings are ready for the admi
inmates, and whenever inquired of by th
intendents of the poor of any county, o
town board of supervisors of any town i
ties where the county poor system has n
adopted, and whenever there is room fo
more children in said school from any co
shall be the duty of the superintendent
school to notify the superintendents of t
of such county, or the supervisors of said
how many children they can send to said
that whenever there are more admissible
in the several counties, including those
not having the county poor system, than
so received in said school, it shall be the
the superintendent of said school to divi
admissions pro rata among the counties,
ing to the number of dependent children

admission, giving preference
ame or larger population that
nitted into said school; that
rintendents of the poor of any
rvisors of any such town shall
e superintendent said school
children from their county or
ed into said school, it shall be
rd them to said school, as pro-
soon as practicable; that the
ortation of children to said
o law, and the expense of re-
l children to their counties or
dmission by said board of su-
oper inmates of said school,
county in which such inmate
n the same manner as the cost
tes to the industrial school at
audited and paid, unless the
otherwise provide.

Expense of transportation and return to be paid by counties.

nd section 19, of said act, so as
Section 19. That the state
n is hereby authorized to con-
n of any child who shall be-
said institution, by any person
nt to the provisions of law;
when given in writing, shall
e and effect as if given by the
of such child. Such written
in duplicate, and one copy
he secretary of such board of
other delivered to the county
cer before whom the applica-
n of such child is pending, to
h the records and papers re-
edings, and that on such adop-
of supervision shall cease to
the child so adopted.

Amending sec. 19. Adoption of children, proceedings for, board to consent.

act shall take effect and be in
r its passage and publication.
8, 1889.

[No. 186, S.] [Published April

CHAPTER 288.

AN ACT to amend chapter 426, laws of
titled, "an act to appropriate a portio
common school fund income for the
of a school library."

The people of the state of Wisconsin, re
in senate and assembly, do enact as fol

Amending ch. 426, laws 1887, purchase of school libraries. Treasurer to withhold portion of school fund income.

SECTION 1. Chapter 426, of the genera
1887, entitled, "an act to appropriate a p
the common school fund for the purch
school library," is hereby amended to
follows: Section 1. The treasurer of e
in this state may withhold annually
money received from the school fund
for the several school districts whos
houses are located in the town of which
treasurer, an amount equal to ten c
each person of school age residing in su
districts for the purchase of books as he
provided. Section 2. Between the tent
July and the thirty-first day of August
year, the town clerk, with such assistan
may be able to obtain from the county su
dent of schools, shall expend all money
by the town treasurer, as provided in sec
this act, in the purchase of books select
the lists prepared by the state superinte
hereinafter provided, for the use of the
school districts from which money has
withheld, and he shall distribute the bo
selected and purchased, among the sever
districts in proportion to the sums of mo
held from each. Section 3. It is here
the duty of the state superintendent to
annually or biennially, as he may deem n
lists of books suitable for use in sc
trict libraries, and furnish copies of s
to each town clerk and each county su
dent, as often as the same shall be publ
revised, from which lists the several tow
shall select and purchase books for us
public school libraries in the several town

Clerks to purchase books.

State superintendent to prepare lists and furnish to town clerks.

n this act. Section 4. It shall ch town clerk to keep a com- books purchased by him, and everal school districts, and he ed from time to time, as he y, to collect and re-distribute l school districts, the books e provisions of this act, in the ovided for first distribution, to istrict may have the use of all r use in the school district li- n. For such services properly n clerk shall be allowed the two dollars per day for the necessarily spent. Section 5. district shall, at the annual other person to be librarian district clerk shall act as libra- t, and shall receive and have ly of the books distributed to nt to the provisions of this act, n to teachers, pupils and other trict in accordance with rules escribed by the state superin- superintendent shall have au- the operation of this act for r every town, by giving due ension to the respective town the tenth day of June.

cts and parts of acts inconsis- sions of this act are hereby re-

act shall take effect and be in r its passage and publication. , 1889.

Clerk to keep record of books purchased, to distribute and collect books.

District clerk to be librarian.

State superintendents may suspend operation of act.

[No. 134, A.] [Published April

CHAPTER 289.

AN ACT to amend section 378, of the
statutes of 1878, entitled "Of the unive

The people of the state of Wisconsin, rep
in senate and assembly, do enact as foll

Amending section 378, revised statutes.

Government of university.

Board of regents.

President of university to be member of board.

SECTION 1. Section 378, of chapter 25
revised statutes of 1878, is hereby amend
to read as follows: The government of
versity shall vest in a board of regents,
sist of one member from each congressio
trict of the state, and two members f
state at large, to be appointed by the g
and of the ex-officio members hereinaft
tioned. The term of office of the appoi
gents shall be three years from the first
in February, in the year in which they
pointed, unless sooner removed by the g
but appointments to fill vacancies before
piration of the term shall be for the re
the term only. The state superintendent
lic instruction shall be ex-officio a me
said board of regents. The president of
versity shall also be ex-officio a membe
board of regents, and a member of all i
ing committees, but he shall have the
vote only in case of a tie.

SECTION 2. This act shall take effect a
force from and after its passage and pub
Approved April 8, 1889.

[No. 260, A.] [Published April

CHAPTER 290.

AN ACT to amend the charter of the cit
waukee.

(See Vol. 2.)

[Published April 9, 1889.]

APTER 291.

le for a register of probate in
nty of Walworth.

tate of Wisconsin, represented
sembly, do enact as follows:

Register of probate, Walworth county, judge to appoint.

county judge of the county of
point from time to time, sub-
ompetent person to act as clerk
of Walworth county, and the
ed shall be officially styled,
e." Such register in probate
ng upon the duties of his office,
he constitutional oath of office,
the office of the clerk of the
county of Walworth, and the
y court of said county shall be
official acts of such register in

When to be appointed.

ppointment of such register in
y time, in the discretion of the
be revoked and annulled, by
dge, and whenever from any
all exist in said office of reg-
ch vacancy may be filled by ap-
county judge.

Duties of register.

all be the duty of such register
ties as he is directed to by said
whenever said county judge
n the village of Elkhorn, any
made to the county court, the
quires notice to be given by the
in probate may cause such no-
d the order directing such no-
ed as follows: By the Court,
in probate; and the notice given
so signed by the register in
the same force and effect as if
ty judge.

Compensation.

services of said register in pro-
for by the county judge.

act shall take effect and be in

force from and after its passage and pul
Approved April 8, 1889.

[No. 192, A.] [Published April

CHAPTER 292.

AN ACT to amend section 523, of th
statutes, as amended by chapter 297,
1887, entitled, "Of common schools."

The people of the state of Wisconsin, re
in senate and assembly, do enact as fol

Amending section 523, revised statutes.

SECTION 1. Section 523, of the revised
as amended by chapter 297, laws of 1887,
amended so as to read as follows: Se
The members of the board of school di
majority of whom shall constitute a qu
sembled at the first and each succeedin
meeting, shall elect from their number
dent and a vice president; also a secret
may or may not be of their number,
shall be a resident of the town to which t
belongs, and hold said office for one year
his successor is elected. Such secret
receive a compensation for services ren
not less than two nor more than three d
day, and he shall present a statement of
vices rendered at the annual meeting
board. Vacancies in either of the offic
provided for may be filled at any special
of the board, the notice for which shall
object of the meeting to be, to fill the
existing, or at any semi annual meeting,
sons elected to fill any vacancy shall
office for the remainder of the unexpired

Term of office of secretary.

SECTION 2. This act shall take effect
force from and after its passage and pul
Approved April 8, 1889.

[Published April 9, 1889.]

APTER 293.

the township system of school
to amend sections 521, 525, 537
r 27, of the revised statutes, en-
on schools," as amended by
e general laws of 1887.

ate of Wisconsin, represented
embly, do enact as follows:

ons 521, 525, 537 and 547, of
vised statutes, as amended by
eneral laws of 1887, are hereby
s follows: Section 521. The
l two regular meetings in each
ar meeting shall be designated
shall occur upon the second
each year, and be held at,
be, the place where the last
as held. The second regular
designated the semi-annual
on the third Monday in March
be held at such place as the
e by rule, or at the preceding
The hour of meeting shall be
forenoon. Section 525. Said
egular meeting in March, an-
d determine the amount of
e necessary for the support of
he building and repairing of
ne town, for the year begin-
of July next following. Sec-
e the duty of the secretary on
ay of August in each year, to
to the county superintendent
bearing date on the first day
ar of its transmission, stating:
umber of subdistricts separ-
the town, and the number of
districts in which the school-
ereto are located in his town.
cts and parts of subdistricts
shall have been made within
that purpose.

Amending section 521, revised statutes.

Meeting of board, time changed.

Amending section 525, revised statutes.

When to make estimates.

Amending section 537, revised statutes.

Secretary to transmit, reported to county superintendent.

What to state.

3. The length of time a school shall ha
taught in each of said subdistricts or part
tricts by a qualified teacher.

4. The number of children taught in e
the number of children over the age of f
under the age of twenty years, residing
designating males and females separately

5. The whole amount of money receive
town for school purposes since the dat
last preceding report, setting forth separa
amount received from the state throu
county treasurer, the amount levied by the
board, and the amount raised by the tow
annual town meeting or general election.

6. The manner in which said money h
expended, and whether any, or what
mains unexpended, with such other info
as the state superintendent may from
time require. Section 547. When a su
is composed of parts of two or more to
board of directors of the town in wh
school-house is situated shall have the ent
trol of said subdistrict. and shall maintai
therein as in other subdistricts; and the
such joint subdistricts shall be a member
board of directors of said town. At the
meeting in July, the board of directors sl
culate and determine the cost of maintain
schools in said joint subdistrict, for the ye
ing on the last day of June preceding the
of the board, and the secretary shall certi
amount to the secretary of the board
town embraced in part in such joint sub
together with the assessed valuation of s
district, and each part thereof, as found
assessment roll of the said town for that
the receipt of such certificate, the secretar
board of directors of each of said towns sh
an order on the treasurer of his town in
the town in which the school-house of s
subdistrict is situated, for such a propo
the whole cost of maintaining said school
said, as the assessed value of the propert
town, embraced in said joint subdistrict i
whole valuation thereof; unless the prop
such school district taxes to be assessed
such town shall have been ascertained,
vided in section 471, in which case he sh

Amending section 547, revised statutes.

In subdistrict composed of two or more towns, who to control.

Duties of board.

roportion; and said order shall
y money in the hands of said
or received by him for the sup-
is town.
act shall take effect and be in
r its passage and publication.
3, 1889.

[Published April 9, 1889.]

APTER 294.

sections 2426 and 2535, of the
, relating to circuit courts.

tate of Wisconsin, represented
sembly, do enact as follows:

ion 2426 of the revised statutes
eby amended by adding thereto
presiding judge of any circuit
iscretion, by an order entered
before the jurors for any term
rt are summoned, fix a time
of the term, at which they shall
l court. In all cases where a
day of the term shall be fixed
the appearance of the jurors,
the first day of the term pro-
the issues of fact to be tried
the issues of law on the calen-
" So that said section when
ad as follows: Section 2426.
e of any circuit may, by an or-
corded in the clerk's office, ap-
ury term of court to be holden
is circuit, when he shall deem
y to complete the jury trials in
ng any year, and may cause
e drawn and summoned as for
such term the same business
as at a regular term for such
ding judge of any circuit court
ion, by an order entered in the

Amending section 2426, revised statutes.

Judge may fix time for jurors to appear after first day of term.

clerk's office, before the jurors for any te
circuit court are summoned, fix a time
first day of the term, at which they sh
before said court. In all cases where a
the first day of the term shall be fixe
judge for the appearance of the jurors,
may on the first day of the term proce
trial of the issues of fact to be tried by
and the issues of law on the calendar of

Amending section 2535, revised statutes.

SECTION 2. Section 2535, of the revise
is hereby amended by inserting after
"thereof," in the sixth line of said se
words, "or at such other time as may
fixed by the presiding judge of said
that said section as amended shall read:
2535. The clerk shall, at least twelve d
the first day of the court, issue and deli

Venire, when and how issued.

sheriff or under-sheriff of said county
for the petit jury, under the seal of
commanding him to summon the
drawn as jurors to appear before the
at or before the hour of eleven o'clock i
noon, on the first day of the term the
such other time as may have been fi
presiding judge of said court, to serv
jurors. And when ordered to draw a g
as provided by law, he shall in like ma
and deliver a venire, commanding the
under-sheriff, to summon the persons s
grand jurors to appear before the said
the time specified in the order of said j

SECTION 3. This act shall take effect
force from and after its passage and pu

Approved April 8, 1889.

[Published April 9, 1889.]

APTER 295.

d section 910, of the revised onsin, relating to streets, etc., ing in town road districts.

ate of Wisconsin, represented sembly, do enact as follows:

on 910, of the revised statutes, consin, is hereby amended by word, "village," in the eighth rds, "upon any town road;" fter the word, "situated," in ereof, the words, "the costs, es of so building, maintaining, ending the same, and any erefrom, to be paid and borne village in proportion to the e property in such town and , as equalized by the county nty equalizers;" so that said nended shall read as follows: part of the streets or highage shall be in any road dis- the town board, not be un- town officers. Nor shall the any damages occasioned by want of repair thereof; nor taxes, nor any tax to pay any l against a town for damages ufficiency or want of repairs ide of such village, be levied any town; but all bridges in any town road,) shall be built, paired by the town in which d. The costs, charges and ex- g, maintaining, repairing and e, and any damages arising id and borne by such town and n to the assessed value of the wn and village respectively, as unty board or the county equal- s of highways shall be elected village, but the poll tax shall

Amending section 910, revised statutes.

Bridges on town road in village to be built, etc., by town and village, costs, charges, etc., how paid and borne.

be collected as hereinafter provided, and expended on the streets, highways a places governed by the village board, an of their appointment.

SECTION 2. All acts or parts of acts c with the provisions of this act are h pealed, so far as they conflict herewitl farther.

SECTION 3. This act shall take effect force from and after its passage and pu

Approved April 8, 1889.

[No. 387, A.] [Published Apr

CHAPTER 296.

AN ACT in relation to proof of title to r in criminal cases.

The people of the state of Wisconsin, re in senate and assembly, do enact as fo

Proof of title to real estate, how made in criminal cases.

SECTION 1. In all criminal actions in necessary for the state to prove that a owns or has an interest in any real est veyance to such person of such real est interest therein, so executed and ackn or proved as to be entitled to record, or of such conveyance or a certified cop record, or such proof of possession as title a plaintiff to recover in an action pass, shall be received in all courts in th presumptive evidence that such person had an interest in the real estate in ques

SECTION 2. This act shall take effect force from and after its passage and pu

Approved April 8, 1889.

[Published April 9, 1889.]

HAPTER 297.

late the time of holding the cir-
e counties of Shawano and Forest.

state of Wisconsin, represented
ssembly, do enact as follows:

Terms of circuit court for Shawano and Forest counties

e terms of the circuit court for
awano shall hereafter be held on
ay of May and the first Monday
n the county of Forest on the
of January and on the third

Repeal.

l acts or parts of acts so far as
or conflict with the provisions of
y repealed.
is act shall take effect and be in
fter May 1st, 1889.
l 8, 1889.

[Published April 9, 1889.]

HAPTER 298.

it street car tracks to be laid and
be run upon toll roads.

state of Wisconsin, represented
ssembly, do enact as follows:

Street car tracks may be laid on toll roads.

y corporation or persons oper-
a toll road in this state shall have
it any corporation organized for
perating a street railway, to lay
n its cars upon the road bed of
any part thereof; provided, the
mmon council of the city, of the
pervisors of the town, and of the
the village in which the said
on thereof upon it is desired to

lay such track, be first obtained; and furth
vided, that the manner of laying such tra
the method of running such street cars sl
subject to such provisions as the said co
council, town and village board may presc
the terms of their consent to the laying
same. In case, however, any common c
town or village board, shall consent to the
of any street car track upon any such to
or part thereof for any fixed time, the r
maintain and use such track shall not b
drawn by any common council, town or
board until the expiration of such fixe
without making compensation therefor.

SECTION 2. This act shall take effect and
force from and after its passage and publi

Approved April 8, 1889.

[No. 458, A.] [Published April 9

CHAPTER 299.

AN ACT providing for compelling the atte
of commissioners summoned in proceed
lay out drains and for filling vacancies i
commission.

*The people of the state of Wisconsin, repr
in senate and assembly, do enact as follo*

Justice of peace may compel attendance of commission, etc., to lay out drains.

SECTION 1. Whenever any justice of th
shall have issued a summons directing th
moning of persons to serve as commission
such summons has been served and re
pursuant to section 1362, of the revised st
and any of such persons shall fail to ap
obedience to said summons, such justic
have the same power to enforce the atte
of such persons as to compel the attenda
jurors in justice court, and providing furth
if it is impossible for any person so summ
appear, or serve, or in case such justic
deem it inexpedient on account of delay o
cause to compel the attendance of any

r in case any of the persons
d to be unqualified to act,
ll proceed to fill the vacancy
of three persons having the
red by said section for each
mission, from which list each
e, the justice striking for the
are present, and the person
ns on the list, shall be sum-
vacancy. The proceedings
or held open by the justice
vacancies can be filled, but
ll be taken for more than one
ent of all the parties to the

act shall take effect and be
r its passage and publication.
1889.

[Published April 9, 1889.]

APTER 300.

ze Henry Bauerfiend, Joseph
Christ Bauerfiend, their heirs
ild and maintain piers and a
s the Wolf river in the city
consin.

*ate of Wisconsin, represented
embly, do enact as follows:*

y Bauerfiend, Joseph Bauer-
Bauerfiend, their associates,
re hereby authorized to con-
piers and booms in the Wolf
Shawano, Shawano county,
ast side of said river from the
e Milwaukee, Lake Shore and
company, up said river to a
Green Bay street intersects
oint on the north end of Fred
said river, for the purpose of
holding, sorting and handling

Henry Bauerfiend et al. authorized to build piers and booms in Wolf river, Shawano county.

logs, timber and lumber. Said piers an shall be so constructed and maintained as terially to obstruct the navigation of sa and there shall be at all times kept an tained a free passage of at least one hun fifty feet in width for logs and timber a west side of said boom. Logs not intend main at Shawano, shall not be retained boom.

Rights reserved.

SECTION 2. The legislature may at a alter, modify, amend or repeal this act.

Not to interfere with dam.

SECTION 3. This act shall not interf any dam that may hereafter be constr above described premises.

SECTION 4. This act shall take effect a force from and after its passage and pu

Approved April 8, 1889.

[No. 635, .] [Published April

CHAPTER 301.

AN ACT to amend the charter of the cit waukee.

(See Vol. 2.)

[No. 658, A.] [Published April

CHAPTER 302.

AN ACT to fix the fees of court commiss certain cases.

The people of the state of Wisconsin, re in senate and assembly, do enact as fol

Fees of court commissioners.

SECTION 1. Court commissioners sha titled to three dollars per day for eve attendance upon the taking of testimo

esses before them in any mat-
whatever, whether acting as
ise, and also to twelve cents per
ony so taken.
acts and parts of acts inconsis-
visions of this, are hereby re-

s act shall be in force and take
ter its passage and publication.
8, 1889.

[Published April 10, 1889.]

APTER 303.

nd the charter of the city of
Milwaukee.

(See Vol. 2.)

[Published April 10, 1889.]

APTER 304.

nd chapter 375, laws of 1885, re-
capes.

state of Wisconsin, represented
ssembly, do enact as follows:

tion 1, of chapter 375, of the Amending ch. 375, laws 1887.
ereby amended so as to read as
1. Every inn, hotel, boarding-
nt building in this state, more
n height, and containing sleep-
offices, theaters, or assembly
ground floor, designed for occu-
-five or more persons, shall be
t less than two fire-proof stairs

Fire escapes. Boarding houses and tenement buildings required to have—how constructed.

or ladders outside; said stairs or ladde located on different sides of said inn, hotel ing house or tenement building, in each c necting the cornice with the top of the fi of any such inn, hotel, boarding-house ment building, with a platform, balcony or other safe and convenient resting pla level with the floor of each story so co Such stairways or ladders herein named every case be convenient of access from terior of any such building, commodious struction and of sufficient strength and f to render the same amply safe and reli the purpose of ascent and descent in case ger from fire. But this act shall not be co so as to apply to private dwellings.

SECTION 2. This act shall take effect a force from and after the date of its passa publication.

Approved April 8, 1889.

[No. 716, A.] [Published April 1

CHAPTER 305.

AN ACT to authorize the superintendent lic property to purchase law books for u attorney-general's office.

The people of the state of Wisconsin, rep in senate and assembly, do enact as foll

Law books for attorney general's office.

SECTION 1. The superintendent of pub erty is hereby authorized to purchase not ing fifty volumes of law books, for use in torney-general's office, such books to b character specially adapted to use in that ment, and to be selected by the attorney- The books so purchased to be properly s and to be kept in said office for the use o torney-general and his successors. Said tendent may also purchase enough back a ing numbers of the "American Crimi Magazine," "Federal Reporter," "North

Session Laws" of this state, to
of such books now in the office
eneral.

ere is hereby appropriated out of Appropriation.
a sufficient amount of money to
isions of this act.

s act shall take effect and be in
ter its passage and publication.
8, 1889.

[Published April 10, 1889.]

IAPTER 306.

ide payment for the officiating
ing of the assembly.

state of Wisconsin, represented
ssembly, do enact as follows:

e sum of fifteen dollars is hereby Pay of chaplains of assembly.
paid to each and every clergy-
ciated as chaplain of the assem-
ek of such service, during the
islature for the year 1889, pro-
t shall be made for less than four
amount to be paid upon the cer-
ef clerk of the assembly.

ere is hereby appropriated out of Appropriation.
y a sum sufficient to carry out
this act.

is act shall take effect and be in
fter its passage and publication.
l 8, 1889.

[No. 438, A.] [Published April

CHAPTER 307.

AN ACT to authorize towns, villages
to acquire the title to toll roads

The people of the state of Wisconsin, re
in senate and assembly, do enact as fo

Towns may acquire title to toll roads, when.

SECTION 1. Any town in this state ma
the title to so much of any toll road a
within its limits by purchase from the
person or persons owning such toll ro
condemnation proceedings in the mann
after prescribed for the purpose of mak
toll road a common public highway.

Terms of purchase, how fixed.

SECTION 2. If the town board of the
which said toll road is located can ag
terms of purchase of such road with th
officers of the company, person or pers
ing the same, then the title of the road sh
quired by the town pursuant to the term
purchase. But if the town board can
with such officers, person or persons
terms of purchase of the road, then
board may apply to the circuit court of t
in which the principal office of the comp
son or persons owning the road may be
appoint three commissioners to deter
amount of compensation that shall be
said company, person or persons by the
the road proposed to be taken, which sha
all damages by reason of such taking.
town board shall not make such pu
make such application to the circuit cou
appointment of commissioners as afores
they shall first be authorized so to do by
the qualified electors of the town at son
town meeting.

Commissioners to be chosen.

To be submitted to vote.

Notice of application for, how given.

SECTION 3. The town board shall give
their application for the appointment
commissioners by serving a copy the
the president or secretary of said comp
son or persons owning the road, fifteen
to the time named in such application f
pointment of said commissioners. U

vice of said notice the court shall at
for such appointment, or as soon
ne parties can be heard, make an
three disinterested and competent
reside in some other town than
the road to be appraised is situ-
ners to ascertain and appraise the
be made to the company, person
ng the road proposed to be taken.

To take oath, their powers and duties.

he commissioners shall, before en-
ischarge of their duties, take and
th that they will support the con-
United States and the constitu-
ate of Wisconsin and faithfully
duties as such commissioners to
ir ability. Thereupon said com-
l proceed to view and examine
osed to be taken and hear the
proofs of the parties, and shall
ain and determine the value of
the appurtenances thereto and
stained by the company, person
ing such road by reason of the
and fix the amount of compensa-
to said company, person or per-
however, that said commissioners
ays' previous notice in writing to
the town board and to the presi-
y of said company, person or per-
e and place where they will meet
amount of compensation that
o said company, owner or owners.

Compensation.

he commissioners, all being pres-
npetent to determine all matters
he commissioners shall be entitled
nsation as the court may direct,
paid equally by each party.

Time in which to report.

Within two months after their ap-
commissioners shall perform all
which they were appointed and
e shall make and file in the office
the circuit court appointing them,
eir proceedings concerning such
forth the award made by them
y, person or persons owning the

Appeal may be taken from.

Within thirty days after the filing
the commissioners in the office

of the clerk of such circuit court, either pa
appeal to such circuit court from the awa
by the commissioners by filing in the offic
clerk a written notice of appeal. Upon
ceiving such notice the appeal shall be co
an action pending in court subject to a
of the place of trial and appeal to the
court as other actions, and shall be ent
the clerk upon the records of the court b
down the company, person or persons ow
road for which such award was made as
and the town as defendant. Such appeal
tried by jury unless a trial by jury is wa
both parties, costs shall be allowed to the
ful party on such appeal, and if in favo
plaintiff, be added to the amount of the
if in favor of the defendant, be deducte
from, and judgment shall be rendered
according to the rights of the parties.

Report to be recorded by clerk. Award, when to be paid and how.

SECTION 7. The report of the comm
shall be recorded by the clerk in whose c
same is filed in the judgment book of suc
and within two years after the making
award the town shall pay to the company
or persons owning the road so taken, c
clerk of said court for the use of such co
person or persons, the amount awarded
commissioners, and may enter upon, take
the road for the purpose for which it w
demned, and may move said court or judge
upon twenty-four hours' notice that a wr
sistance may be issued to put such town i
possession of the same, and said court c
shall award the same. If such town be
session or be put in possession of such roa
ing an appeal, the company, person or
entitled thereto, shall be entitled to rec
money paid into court on account of th
appealed from, without prejudice to th
taken; but if the town shall have appeal
money shall only be so withdrawn upon
bond in such sum and with such surety
be approved by the court or judge to re
amount by which such award shall be al
such appeal with costs.

Award or judgment, how collected.

SECTION 8. The amount of such awa
case of an appeal from the same, then the
of the final judgment which shall be r

ls shall be collected as judgments
.re collected under section 781, of
ites. If it shall be made to appear
' petition or otherwise that there
title to, or incumbrance upon said
claim adverse to the title of the
on or persons, claiming to own
y claim adverse to said company
or any part of it, to be paid as
'or the road so taken, the court
letermine the rights of the parties
nd for that purpose may order a
n issue to be tried by a jury.
ay except to the decisions of the
eal to the supreme court in like
ctions, and either court may award
vailing party and render judgment
the other party.

Duty of clerk of court, when no appeal taken.

Vhen no appeal shall be taken from
in the time provided by law and
have paid the amount thereof, into
receipt therefor, executed by the
officers of said company, person or
cknowledged before an officer au-
the acknowledgment of deeds in
clerk of the court or when after
ion of such an appeal the town
into court the amount of the judg-
thereon, or filed a receipt therefor
e clerk of said court shall make a
payment or of the filing of such
foot of the record of the report of
ners in the judgment book, of said
reupon the title of the road so ta-
purtenances thereunto belonging
d town, its successors and assigns
her or further act, deed or convey-
ecord or a certified copy thereof
facie evidence of such title in all
es.

Qualified voters at town meeting may authorize purchase.

The qualified electors of the town
r at any annual town meeting to
wn board to purchase or take by
proceedings under the provisions
toll road or any part thereof lying
ts of such town and to issue and
of the town, not exceeding ten
s in the aggregate for the purpose

of paying in whole or in part for the p
taking of such road or part thereof fo
highway.

Two or more towns may unite in purchase.

SECTION 11. Two or more towns m
the purchase of a toll road lying withi
its or in condemnation proceedings for
same and the commissioners authori
appointed under this act shall fix, det
award the amount of compensation th
paid by each town to the company,
persons owning such toll road by reas
taking. Either party, or any town or
appeal from the award of said commi
the circuit court appointing them an
circuit court to the supreme court
time and in the manner provided in s
this act. All other proceedings includ
for said toll road and providing mea
same, and vesting the title thereof in
towns, shall be the same as in the cas
town acquires the title to a toll road
provisions of this act.

Either may appeal from award.

Title may be acquired by purchase or condemnation by city or village.

SECTION 12. Any city or village in
may acquire the title to that part of
lying within its limits, for the purpose
the same a public highway, by purc
taking the same by condemnation pro
the same manner that each may be au
take land of private parties for the
laying out a street.

Expenses, tax for, may be levied.

SECTION 13. For the purposes of p
the expenses, including all damages a
curred for the purchase or the takin
road for a public highway, such city
may, by its proper officers, levy and
whole or any part of such expenses as
such property as such officers shall d
specially benefited thereby, in the sa
as they assess special assessments o
on account of benefits arising from lay
opening a public street through priva
of an individual, and the balance of su
shall be chargeable to and payable
same fund as the same would have be
the land of an individual, instead o
road, being taken and acquired by s
village for a public highway. Whenev
of any toll road or any part of it shall

or village, and such road or any
ome a public highway as here-
same shall be improved and How improved.
e subject to the same uses as
ways in such towns, cities and

is act shall take effect and be in
ter its passage and publication.
8, 1889.

[Published April 10, 1889.]

APTER 308.

to the manner of making elec-
nd amendatory of chapter 360,

state of Wisconsin, represented
ssembly, do enact as follows:

tion 1, of chapter 360, laws of Amendig ch. 360, law 1837.
nended so as to read as follows:
n 44, of the revised statutes of
nended so as to read as follows:
chairman of the inspectors, or Election returns.
ointed by him, shall forthwith
rk of the town, city or village,
nents and one of said poll lists, Statement and poll list to be delivered to county clerk by inspector.
reserved in his office, and shall
nt dispatch and within two days
deliver the other statement to
it having been by the inspectors
p, together with the other, poll
s of inspectors and clerks affixed,
properly directed to the county
rson delivering such returns to
shall receive as compensation
of two dollars, and mileage at
ts per mile for each mile neces-
going to and returning from
's office, to be paid out of the
on the warrant of the county

SECTION 2. This act shall take effect
force from and after its passage and pu
Approved April 8, 1889.

[No 445, A.] [Published April

CHAPTER 309.

AN ACT to amend the charter of t
Green Bay.

(See Vol. 2.)

[No. 731, A.] [Published April

CHAPTER 310.

AN ACT to amend the charter of th
Chippewa Falls.

(See Vol. 2.)

[No. 817, A.] [Published April

CHAPTER 311.

AN ACT granting to the United States th
tion over certain lands in Milwaukee

The people of the state of Wisconsin, re
in senate and assembly, do enact as fo

Granting U. S. jurisdiction over certain lands in Milwaukee county.

SECTION 1. The consent of the state o
sin is hereby given to the purchase by t
States, of any tract or tracts of land in t
Milwaukee, for the erection thereon o

visions of an act of congress, ap-
1, 1889, entitled, "An act for the
c building at Milwaukee, Wis-
state of Wisconsin hereby cedes
tes, exclusive jurisdiction over
s of land as shall be purchased
foresaid, so long as they shall be
ner thereof, for all purposes ex-
ration of the criminal laws of
service of civil process therein.
s act shall take effect and be in
ter its passage and publication.
8, 1889.

[Published April 10, 1889.]

APTER 312.

d section 1992, of chapter 91, of
tutes of 1878, as amended by
ws of 1883, relating to religious

state of Wisconsin, represented
ssembly, do enact as follows:

tion 1992 of the revised statutes, Amending section 1992, R. S.
eby further amended by adding
the following: It shall be law-
ration by its by-laws to provide
manner of holding regular and
for the holding of elections or
n of all business authorized by
laws shall have the force of law
transacted thereunder shall be

acts and parts of acts in conflict May provide for time and manner of holding meetings.
s of this act are hereby modified
ne extent that the true intent of
rried into effect.
s act shall take effect and be in
ter its passage and publication.
8, 1889.

[No. 842, A.] [Published April

CHAPTER 313.

AN ACT to amend chapter 37, of the law
entitled, "An act supplementary and
tory of chapter 91, of the revised stat
titled, 'Of religious societies.'"

The people of the state of Wisconsin, rep
in senate and assembly, do enact as fo

Amending ch. 37, laws 1883.

SECTION 1. Section 2, of chapter 37, of
of 1883, is hereby amended by inserting
words, "two laymen," in the third lin
section the words, "practical communi
that when amended said section 2, shall

Trustees.

follows: Section 2. The bishop and vica
of each diocese, the pastor of the congre
be incorporated, together with two laym
tical communicants of such congregat
latter to be chosen from and by the congr
shall be the trustees of the same.

Members of corporation.

SECTION 2. Section 4, of said chapter
amended by adding at the end of said se
following: "The said bishop and viga
or either of them may be represented at a
ing of said congregation or at any meeti
directors by proxy with like effect as if p
present," so that when amended said
shall read as follows: Section 4. The sa
and vicar-general shall be and remain
of such corporation, as long as they sha
remain respectively bishop and vicar-g
said diocese; and said pastor shall be an
a member thereof so long as he shall b
main pastor of said congregation; and v
either or all of them shall cease to be
vicar-general or pastor as aforesaid, by
death, resignation, removal or otherw
and in that case their respective succ
such bishop, vicar-general or pastor, sha
become their respective successors as me
such corporation, and in like manner t
have perpetual succession. The said bis
vicar-general or either of them may b
sented at any meeting of said congregati

he directors by proxy with like
nally present.

ction 6, of said chapter 37, of the
ereby amended by adding at the
n the following: "Whenever the
urer shall, after due notice, neg-
end the meetings of the directors
business of such corporation, his
clared vacant by the remaining
ch vacancy be filled by them,"
mended said section shall read as
6. The officers of such corpo-
president, vice president, treas-
y, and the said bishop, his suc-
istrator thereof, or such other
be appointed according to the
an Catholic church, or adminis-
e being, shall be president, and
hall be vice-president ex-officio,
and secretary shall be selected
mong the laymen who are mem-
oration as provided by the by-
s the treasurer shall be required
uch corporation, conditioned that
account for and pay over all
y come into his hands as such
erwise faithfully discharge the
ce, which bond shall before he
duties of his office, be approved
vice-president, and secretary, by
at effect made thereon. When-
y or treasurer shall, after due
fail to attend the meetings of
attend to the business of such
ffice shall be declared vacant by
ectors and such vacancy be filled

Officers, how chosen.

ction 7, of said chapter 37, of the
ereby amended by inserting after
ors" in line eight of said section
Such debt may be evidenced by
vidence of debt and may be se-
age on the property of such cor-
uch note, evidence of debt or
ot be construed as implying any
payment of the sum thereby
cured on the part of any of said
remedies of the payee or mort-

gagee named therein shall be confine
lands and property of such corporation;
when amended said section shall read a
Section 7. The said bishop or administr
said vicar-general, pastor and the said
and secretary shall be ex officio director
corporation. Said directors may by a
vote, contract debts not exceeding in am
sum of three hundred dollars; but debts
of that sum may be contracted for by th
and vote of all the directors; such debt m
denced by a note or other evidence of
may be secured by a mortgage on the pr
such corporation, but such note, evidenc
or mortgage shall not be construed as
any covenant for the payment of the sun
intended to be secured on the part of an
directors, but the remedies of the payee
gagee named therein shall be confined to
and property of such corporation. The
tate of the corporation shall not be s
gaged, encumbered or disposed of in an
without the vote and consent of all the

May contract debts, execute note and mortgages, etc.

SECTION 5. Chapter 37, of the laws o
hereby amended by adding thereto the
section: Section 9a Whenever a co
incorporated under this act shall becom
or be dissolved, the property thereof sha
the bishop of the diocese in which such
tion is located and if within three years
date of such dissolution said congregati
incorporated in the manner prescribed b
the said property so belonging to such d
dissolved corporation at the time of its di
shall vest in such new corporation.

When corporation defunct or dissolved property to vest in bishop.

SECTION 6. This act shall take effect
force from and after its passage and pu

Approved April 8, 1889.

[Published April 12, 1889.]

IAPTER 314.

rize the county of Dunn to bor-

state of Wisconsin, represented ssembly, do enact as follows:

Authorizing Dunn county to borrow money to build asylum.

county of Dunn is hereby au- owered for the purpose of build- lum to borrow a sum of money rty-five thousand dollars, at a t to exceed five per cent. per ue its bonds therefor; provided, nay, at the option of its county part or the whole of said sum ers of the public lands and is- of indebtedness therefor; said rtificates, if they shall be issued ed so that the sum of five thous- amount borrowed, shall become on the first day of March, two um shall have been borrowed, m of five thousand dollars shall ayable on the first day of March year thereafter, till the whole hall have been paid. Interest March 1st annually and in case ned, the same shall be payable the county treasurer of said

To levy tax to pay.

county shall annually, during f said loan, raise by a tax a sum e interest thereon, and shall also manner annually, after the said en made, a sum sufficient to pay about to become due, and the insert said amounts in the tax shall be collected as other taxes e collected, and when collected applied in payment of said loan for no other purpose.

commissioners of the public authorized and empowered to the trust funds of this state

Commissioners of public lands may make loan from trust funds.

not exceeding the sum of forty-five thou
lars to the county of Dunn, at a rate of
to be agreed upon between said comm
and the county board of said county, no
ing five per cent. per annum, and to ta
said county its certificates of indebtedne
for, in such form as said commissioners
scribe, and require the same to become
provided in section 1, of this act; and t
the taxable property of said county of D
stand chargeable with the repayment of
and interest at the times before stated,
secretary of state shall, at the same time
fies to the county clerks the amounts of
tax levy, certify to the county clerk of th
of Dunn, the amount which will becom
that year as principal and interest of s
and thereupon the county clerk shall i
amount so certified in the tax roll as a
the property of said county, without any
further authority, to be collected as ot
are collected, and by the treasurer of sai
paid to the state treasurer upon said loa

SECTION 4. This act shall take effect a
force from and after its passage and pu

Approved April 8, 1889.

[No. 916, A.] [Published April

CHAPTER 315.

AN ACT to amend chapter 94, of the
Wisconsin for 1889, entitled, "An act
a municipal court of the city and c
Ashland."

*The people of the state of Wisconsin, re
in senate and assembly, do enact as fol*

Amending ch. 94, laws 1889.

SECTION 1. Section 10, chapter 94, of
of 1889, is hereby amended to read as
Section 10. No person shall be eligible
fice of municipal judge except an attor
court of record, who shall be a qualified

hland at the time of his election Such judge shall not practice any court in this state during ich he is appointed or elected. ct shall be construed as in any the right or jurisdiction of any ice of the peace or police justice etermine any case now pending before such judge, justice of the justice, or which may be com- e judge of said municipal court the duties of his office.

Municipal judge Ashland county, who eligible.

is act shall take effect and be in ter its passage and publication. 8, 1889.

[Published April 12, 1889.]

HAPTER 316.

ct to authorize Frank Garrison, . B. Rossier, J. D Witter and G. F. , build and maintain a dam consin river, on section twenty- ip twenty-two north, of range od county.

state of Wisconsin, represented assembly, do enact as follows:

nk Garrison, John Farrish, E. B. tter and G. F. Steele, their asso- , are hereby authorized and em- , build and maintain a certain Visconsin river, on section twen- ip twenty-two north, of range od county, at such points on banks of said river as they may or the purpose of working and er-mill or mills erected or to be ar the same, and for the pur- the navigation of said river by ls above said dam, but the said ceed thirteen feet in height, and

Authorizing Frank Garrison et al., to build a dam across Wisconsin river.

How constructed.

shall be so constructed, maintained and
as not to obstruct or impede the running
ber, logs or timber down said river;
terms and conditions hereinafter m
namely, that a slide shall be constru
maintained, and shall be kept open and
condition of repair at all times when
logs, lumber or timber to run over said
no charge shall be made for the use of
for passing logs, lumber or timber over
dam, which said slide shall be at least
below the general height of said dam,
not be less than forty-eight feet in width,
be constructed in conformity with the p
of section 1601, of the revised statutes as
by chapter 239, of the laws of 1881.

May overflow lands and exercise powers under section 1777 R. S.

SECTION 2. And for the purposes afor
said Frank Garrison, John Farrish, E. B.
J. D. Witter and G. F. Steele, their assoc
assigns, are hereby authorized to overflow
lands as shall be necessary for keeping
maintaining such dam, and to acquire tit
lands for such purposes by purchase or le
in case they cannot agree with the owner
lands so necessary for said purposes for
chase, or lease or use thereof, or of the
flowage thereof, or as to the compensati
made for taking or flowing any such lands
purposes as aforesaid, then they, the sai
Garrison, John Farrish, E. B. Rossier, J. I
and G. F. Steele, their associates or assi
acquire the same by proceedings of co
tion, in the manner provided and set fort
tion 1777, of the revised statutes, as am
chapter 318, of the laws of 1882, the pro
which said section and chapter are here
applicable for the purpose of acquiring
lands for the purposes aforesaid, under t

Legalizing act building dam, 1887.

SECTION 3. The dam heretofore built a
tained at the place mentioned in section
act, built in the year 1887, and the buildin
dam and the maintenance of the same to
ent time is hereby validiated and legalize
legislature hereby reserves the power to
repeal this act at any time hereafter.

SECTION 4. All acts and parts of acts i
ent with or contravening the provisions o
are hereby repealed, and this act shall ta

ce from and after its passage and

pril 8, 1889.

[Published April 10, 1889.]

CHAPTER 317.

x the time for holding the terms of
n the seventh judicial circuit.

the state of Wisconsin, represented
d assembly, do enact as follows:

Terms of court. seventh judicial circuit.

The terms of the circuit court of
udicial circuit shall be as follows:
y of Lincoln, the first Monday in
first Monday in November; for the
rathon, the first Monday in March
d Monday in October; for the county
e third Monday in November and
onday in March; for the county of
third Monday in January and the
y in June; for the county of Wau-
ird Tuesday in April and the last
eptember; for the county of Wood,
nday in May and the second Monday
All laws or parts of laws conflict-
of the provisions of this act, are
ed so far as they conflict therewith,
r.

This act shall take effect and be in
nd after August 1st, 1889, and no

pril 8, 1889.

[No. 815, A.] [Published Apri

CHAPTER 318.

AN ACT to amend the charter of t
Milwaukee.

(See Vol. 2.)

[No. 48, A.] [Publishe

CHAPTER 319.

AN ACT to exempt public art galleries
tion.

The people of the state of Wisconsin, r
in senate and assembly, do enact as

Public art galleries exempt from taxation when.

SECTION 1. All real and personal p
any public art gallery, or of any c
created without capital stock for the "
pose of maintaining, regulating and m
public art gallery in this state, shall
from taxation. Provided, that the p
have access to such art gallery free of
less than three days in each week.

SECTION 2. This act shall take effect
force at once after its passage and publ

Approved April 8, 1889.

[Published April 10, 1889.]

HAPTER 320.

g to the swamp lands in the coun-
Dane, Kewaunee and Manitowoc,
n appropriation therefor.

e state of Wisconsin, represented
assembly, do enact as follows:

is hereby made the duty of the f public lands, within sixty days ge and publication of this act, to ounts of money due to the coun- Dane, Kewaunee and Manitowoc, nt of money properly belonging as the proceeds of the sales of nd paid to other counties under chapter 138, of the laws of 1882, e laws of 1885, and chapter 492, of , and the said commissioners of all thereupon certify the amounts said counties of Juneau, Dane, Manitowoc, to the secretary of forthwith draw warrants for the tified in favor of said counties reasurer.

Swamp lands in Juneau, Dane, Kewaunee and Manitowoc counties.

Commissioners of public lands to ascertain amounts due counties under laws of 1882, 1885 and 1887.

here is hereby appropriated out of , a sum sufficient to pay the war- der the provisions of this act, and s shall be paid out of the sum so ted.

Appropriation.

his act shall take effect and be in after its passage and publication. il 8, 1889.

[No. 619, A.] [Published April

CHAPTER 321.

AN ACT to amend chapter 318, laws of
titled, "an act to amend chapter 20
laws of 1882, as amended by chapter 4
laws of 1885, relating to the punishm
father for the abandonment of his
and of a husband for the abandonme
wife."

The people of the state of Wisconsin, re
in senate and assembly, do enact as fol

Amending ch. 318, laws 1887.

SECTION 1. Section 1, of chapter 318,
1887, is hereby amended by inserting
words "of sufficient ability," where they
the sixth and seventh lines, the words, "
earn the means of their support," and
words, "of sufficient ability," where th
in the tenth line, the words, "or able to
means of her support," so that the sa
amended shall read as follows: Chapter
of 1882, as amended by chapter 422, law
is hereby amended so as to read as fol
any parent shall willfully abandon hi
minor children, or either of them, leavi
or either of them, in a destitute conditio
ing of sufficient ability or able to earn t
of their support, shall unreasonably
neglect to provide for his or her mino
children, or either of them; or if a husb
willfully abandon his wife, leaving her i
tute condition, or being of sufficient abilit
to earn the means of her support shall u
ably refuse or neglect to provide for
parent or husband shall be deemed gu
misdemeanor, and on conviction thereof
punished by imprisonment in the county
less than fifteen days, ten days of whic
onment, in the discretion of the court,
may be bread and water only, or by i
ment in the state prison not exceeding
except in counties having workhouses,
ment may be made to such workhous
discretion of the court.

Abandonment of children by parent, able to support, or husband of wife.

is act shall take effect and be in
fter its passage and publication.
l 8, 1889.

[Published April 10, 1889.]

HAPTER 322.

lize the plat of Woodland court
nth ward of the city of Milwau-

e state of Wisconsin, represented
assembly, do enact as follows:

e plat of Woodland court made
n as surveyor, executed and ac-
Abner Kirby, the owner of the
him recorded in the office of reg-
n Milwaukee county, in volume
page twenty-six, is hereby con-
e a lawful plat, and the highway
lots numbered thereon shall
wn and described for purposes of
tion and sale by their name and
espectively set down upon said
t shall have in favor of the pub-
s from said Kirby, in all courts
ne purpose of dedication, bound-
ption of the street and lots, the
of a dedication by chapter 101, of
ites as well as at the common

Legalizing plat of Woodland court, city of Milwaukee.

his act shall take effect and be in
fter its passage and publication.
il 8, 1889.

[No. 543, A.] [Published Ap

CHAPTER 323.

AN ACT to amend the charter of the c
waukee.

(See Vol. 2.)

[No. 566, A.] [Published Apri

CHAPTER 324.

AN ACT to amend the charter of t
Ahnapee.

(See Vol. 2.)

[No. 852, A.] [Published Apr

CHAPTER 325.

AN ACT to repeal chapter 100, of the lav
entitled, "An act authorizing a vo
voters of the city of Ripon on the q
water works."

The people of the state of Wisconsin, r
in senate and assembly, do enact as fo

Repeal of ch. 100, laws 1887.

SECTION 1. Chapter 100, of the law
consin for 1887, is hereby repealed.

SECTION 2. This act shall take effect
force from and after its passage and pu

Approved April 9, 1889.

[Published April 12, 1889.]

IAPTER 326.

; cities into classes and provid-
ıcorporation and government.

state of Wisconsin, represented in
mbly, do enact as follows:

CHAPTER I.

ISION IN CLASSES.

r the exercise of the corporate
ntioned, the cities of the state
w existing, or that may be cre-
ovisions of this act, shall be di-
as follows: Those containing a
ty thousand or over shall consti-
s. Those containing a population
r over and under forty thousand
ne second class. Those contain-
of two thousand or over and un-
shall constitute the third class.
s affecting the class to which
ong under this act, shall be de-
ast national or state census, un-
ken under the direction of the
lage seeking to be incorporated
he provisions of this act, or of
cil of any city, now incorporated,
the provisions of this act for its

Cities divided into classes. First class. Second class. Third class.

Population, how determined.

CHAPTER II.

THIS ACT BY EXISTING CITIES.

city now incorporated under the
shall be affected by the provis-
nnless such city shall adopt the
rnment, in the manner herein-

Not to affect cities now incorporated.

hen the common council of any
rated, by a three-fourths vote of
thereof, shall have adopted this
nment and a patent shall have

How this act adopted by.

been issued as hereinafter provided, such
cease to exist as a corporation under th
and laws creating such corporation or a
its government, and shall constitute a
corporation under this act and shall be
by its provisions.

Ordinance for adoption to be laid over.

SECTION 4. Whenever an ordinance
for the purpose of adopting this act in p
existing charter, such ordinance shall l
least thirty days before final action shal
thereon; in the meantime the proposed

To be published.

shall be published at least once in the o
per of the city if there be one, otherwis
newspaper to be designated by the c
gether with a notice of the time when
posed ordinance will be considered;
nance shall also provide for a census to
unless it is proposed to have the city cla
cording to the last census taken under
of the United States, or of the state of V
Said census shall be taken as nearly as

Census to be taken, when.

ble as provided by law for taking the
cases of the incorporation of villages
laws of this state. Final action on the
heretofore mentioned, shall not be take

Action on, only at regular council meeting.

at a regular meeting of the common cou
in case such ordinance is defeated it sha
lawful for the said council to consider
nance for the same purpose for the spa
year thereafter.

If adopted, result to be certified by clerk to secretary of state, with copy of all proceedings thereon.

SECTION 5. If said ordinance be adopt
sult shall be certified under the corpora
the city to the secretary of state, togeth
copy of all the proceedings relating the
together with the result of the census tal
the direction of the common council for
pose of determining the classification of

Governor to issue patent—what to recite.

thereupon, the governor shall issue lette
under the great seal of the state, rec
facts, defining the boundaries of the city
stituting the same a body corporate ar
by the name of the city of —— (speci
name of such city) and specifying that
shall be governed by the provisions o
applicable to the cities of the —— class (s
the class); provided, that nothing herein
shall be construed to prevent any city
corporated and existing from adopting

, regardless of its present popu-

Officers to continue in office.

ienever this act shall be adopted corporated, the officers of such e in office, with all the powers until the first Tuesday of May ntil their successors are elected

HAPTER III.

N OF CITIES UNDER THIS ACT.

Cities, how incorporated under.

y district containing a population or over, and not heretofore city, may become incorporated the manner hereinafter specified.

Petition of electors and tax payers, number required, vote on, to be had.

e hundred or more electors and village incorporated under the may apply, by petition, to the village, to have the question of d village or the same and adja- city, submitted to a vote of the ritory described in such petition; case it is proposed to include ter- o such village, the consent, in ajority of the electors residing wners of at least one-third of the in such territory according to nt roll shall be presented with

Trustees may provide for submitting.

any regular meeting after the tion, the trustees of said village on, provide for submitting the g a city incorporated in accord- etition submitted to a vote of the vithin the limits of said proposed

Resolution, what to determine.

tion shall determine the num- es of wards into which said pro- e divided, shall fix the time for position for incorporation, which earlier than six weeks from the resolution; and shall specify s residing outside the limits of vote. Said resolution shall also

Census.

us to be taken, unless it is pro- city classified according to the under the laws of the United

How taken.

States or the state of Wisconsin. Sai
shall be taken as provided by law for t
census in cases of the incorporation o
under the laws of this state.

Notice to be given, how.

SECTION 10. Notice of the election on
osition for incorporation shall be given
cation of a copy of such resolution
newspaper published in said village, if
one; otherwise in some newspaper desi
the resolution, once each week for four s
weeks immediately preceeding the date
ing such election.

Election, how conducted—ballot, form of.

SECTION 11. The election shall be c
the same as the elections for village tru
der the laws of this state; and the for
ballot shall be "For a city charter," or
a city charter."

Result to be canvassed and returned to village clerk, to certify facts to secretary of state—patent to issue.

SECTION 12. The result of the electio
vassed by the inspectors, shall be return
village clerk. If a majority of the vote
in favor of a city charter, the village cl
certify the fact to the secretary of state
with the result of the census taken unde
thority of the trustees, if any such is ta
thereupon a patent shall be issued under
seal of the state of Wisconsin, the sar
cases of the adoption of this act, by existi
except that the same shall specify the
and boundaries of the wards.

To be recorded in office of secretary—city when to be body corporate, etc.

SECTION 13. Any patent issued under
visions of this act shall be recorded in
of the secretary of state, in a book to be
that purpose. Thereupon the city men
such patent shall be a body corporate an
with perpetual succession, possessing th
and privileges of a municipal corporatio
mon law in addition to those conferre
act; and shall have authority to contrac
contracted with, to sue and be sued, to
be impleaded, to purchase or otherwis
real and personal property and to dispo
same as the welfare and convenience of
itants may require; and shall have a com
and may alter the same at pleasure. A
issued and recorded in the manner he
vided, the record thereof or a certified cop

Certified copy to be evidence of.

record, shall be conclusive evidence in a
and places of the due incorporation of

id patent, and of all the facts

he number and boundaries of organized under the provisions be changed by ordinance when e adopted by a vote of at least ll the members of the common , said ordinance must be intro- r meeting of the council in May, ction is taken thereon the same in the official paper of the city k for four successive weeks, and ries of any wards are fixed by e number of wards in the city hereof, or of any of said wards n changed for a period of two adding thereto such territory as be added to the city limits, and, that the territory of the wards us and compact, and that no pulation of less than two thous- ed in cities of the first class, or hundred in cities of the second one thousand in cities of the

Wards and boundaries, how changed.

Territory to be contiguous—population required in wards.

he village board and other offi- e, having been incorporated un- continue to exercise the powers duties of such officers, as defined tutes relating to villages, until of the common council whereat ent. Until a city clerk shall nted and confirmed, and have s of office shall be filed with the hen the city clerk shall have lage clerk shall deliver to the ords, papers and files in his of- clerk shall thereupon become n of the same.

Village board and officers to act until first meeting of council.

Village clerk, duties—to deliver records, etc., to city clerk.

ithin ten days after the incorpo- under this act, the village board ing thus become incorporated, or the first municipal election, e place whereat the same shall ard, and appoint three inspect- r each ward. The polls of such open at six o'clock A. M., and ock P. M.; ten days' previous

Village board to fix time for first municipal election.

Polls to be open.

Notice of election.

notice of the time and place of electio
the officers to be elected, shall be give
village clerk by publication in some new
such city, and by posting three written
notices in public places therein; in all
spects, such election shall be conducted
scribed by the general law of the state;
however, that the failure to give su
shall in no way invalidate said electio
close of such election, the inspectors sh

Ballots to be counted and return made.

the ballots and make returns thereo
therein the number of votes for each
office, and shall deliver such returns t
lage clerk, who shall lay the same

Result to be canvassed.

village board. The village board shall n
in one week after such election, and ca
returns, and declare the result, as it app
the same, and the village clerk shall no
certificate, the persons elected to the

Officers, how long to hold.

offices. All officers chosen at such el
appointed by the mayor elected there
justices of the peace and aldermen, shall
term ending on the thirtieth day of Apr
lowing, and until their successors are el
qualified; provided however, that in
first Tuesday in April shall be fixed as t
the first election, the term of office of th
officers chosen, shall commence on the
of May, succeeding, and continue as othe
vided for in this act.

CHAPTER IV.

ANNEXATION OF ADJACENT TERRIT

Adjacent territory, how annexed.

SECTION 17. Territory lying adjace
city organized under the provisions of th
be annexed to such city in the manner h
set forth.

Petition to be presented, signers required.

SECTION 18. Three fourths of the ele
the owners of at least one third of th
property, according to the last tax rol
tory adjacent to such city, may present
to the common council of such city aski
nexation thereto; provided, that if no e
side therein, such petition must be sign
owners of at least three-fourths of th

to be annexed, before the com-
l have power to act thereon.
t any regular meeting of the
after the filing of said petition
erk, an ordinance may be intro-
for the annexation of such adja-
Final action on said ordinance
n except at a regular meeting of
not earlier than thirty days after
ced; and in the meantime the
published at least once in each
cessive weeks in some newspaper
shed in said city, if there be one,
e newspaper to be designated by

Ordinance for, what to provide, when to be voted on.

vote of three-fourths of all the
council in favor of said ordin-
es and noes, and recorded, shall
ts adoption.

Votes required for adoption.

he adoption of said ordinance
nnex such territory to said city,
l or wards designated therein.
he proceedings annexing such
be called in question collaterally
urts of this state; nor shall the
such proceeding be called into
other manner, in the courts of
the action or proceeding there-
ed within ninety days after such
ted.

Adoption of, to operate as annexation.

CHAPTER V.

ELECTION, APPOINTMENT, QUALI-
COMPENSATION, VACANCIES.

ficers of cities of the first class,
two aldermen from each ward,
mmon council, a city treasurer, a
a city attorney, a city clerk, a
ax commissioner and assessor,
oard of public works, a school
f commissioners, of the public
health, one or more city physi-
olice, a chief engineer of the fire
r more harbor masters in cities
ne or more assessors, a justice of
constable for each ward, police-

Officers of cities of first class list.

men, bridge tenders, firemen, street co
ers and such other officers as the comm
shall from time to time deem necessary.

Second class, officers.

SECTION 23. The officers of cities of t
and third classes shall be a mayor, two
from each ward, a city treasurer, city cl
troller, city attorney, city assessor or
city surveyor, city marshal, one justi
peace and one constable from each wa
more city physicians, a street commissio
bor master in cities where required, a
weights and measures, a chief of the fi
ment, a board of public works, a board
commissioners, one or more policemen
other officers as the common council n
necessary.

Annual municipal election, when held, how conducted.

SECTION 24. The annual municipal e
all cities shall be held on the first Tuesda
of each year at such place or places in
tion precinct as the common council sh
nate. The polls of such election shall
at six o'clock A. M. and close at five o'cl
ten days' previous notice of the time an
such election and of the officers to b
shall be given by the city clerk by publ
the official newspaper of such city, and
ing three written or printed notices
places; in all other respects such electio
conducted as is prescribed by the gener
the state; provided, however, that the
give such notice shall in no way invali
election.

Mayor, treasurer, comptroller, assessors, aldermen, justices of the peace and constables to be elected by people, others appointed.

SECTION 25. The mayor, city treasu
troller, assessor or assessors, alder
tices of the peace and constables shall
by the people. The other officers shall b
ed by the mayor and confirmed by a m
the members of the common council
favor of such confirmation.

Terms of office, in cities of first and second class.

SECTION 26. In cities of the first class,
or, treasurer, comptroller, attorney and
shall hold their offices respectively for
of two years and until their successors
ed and qualified, constables shall be elec
ally in each ward for the term of one
cities of the second and third classes, all
ficers above named, except aldermen an
of the peace, shall be elected or appoint

nd justices of the peace shall be
n of two years; provided, that at
of city officers under the provis-
here shall be elected in each ward
a term ending on the thirtieth
owing, and one alderman for a
year from the thirtieth day of
At each annual municipal elec-
ere shall be elected in each ward
the term of two years.

Election of alderman.

o person shall be eligible to an
the provisions of this act, who
of his election a citizen of the
nd of this state, and a resident
y; nor shall any person be eligi-
office unless he shall be at the
lector of the ward in which such

Who eligible to office.

he term of office of the mayor
all commence upon their election
The terms of all other officers
on the first day of May, succeed-
or appointment, and shall hold
e years, respectively, as herein
til their respective successors are
ted and qualified.

Mayor and aldermen, terms when to commence—other officers.

ll elections shall be by ballot, and
es cast shall constitute an elec-
or more candidates for an office
equal number of votes for the
election shall be determined by
in the presence of the common
me and in such manner as such
shall direct.

Elections by ballot, plurality elects.

ne mayor and city treasurer, ex-
e second and third classes, the
r, attorney and all other city
ldermen, school commissioners,
public debt, fire and police com-
es of the peace and constables,
salary to be fixed as herein pro-

Salaries, when paid.

mmon council at their first
in February, shall fix the
y which shall be received by
entitled to a salary who may
inted in the city during the en-
salary shall not be increased or
g the term of office, for which

Common council, when to fix.

such officer may be elected or appointed
shall be paid out of the city treasury
the end of each month. All salaries, t
whereof have heretofore been fixed b
mon council, or heretofore establish
shall be and remain the salaries of su
until the common council shall fix th
thereof in accordance with the provisi
section; and when so fixed, they shall
until changed as herein provided; prov
ever, that where any new city shall ha
corporated and officers thereof elec
pointed, the common council shall hav
any regular meeting of such common c
ing the term of office of such officer so
appointed, to declare and fix the amou
pensation that such officer shall receive

When office deemed vacant.

SECTION 31. When any officer elec
pointed shall remove from the city, or
officer elected or appointed in any ward
shall remove from such ward, or when
officer shall refuse or neglect for ten
official notification of his election or ap
to qualify and enter upon the discharg
ties of his office, the office shall be deem
and whenever a vacancy shall occur in

How filled.

to be filled by an election by the people,
thirty days prior to the general municip
the common council may order a speci
upon a public notice to be given five d
manner as notice is given of a general
election, for the election of a person
vacancy; and whenever a vacancy sha
any office to be filled by appointment
proceedings shall be had to fill such
are provided for in case of an appointm
first instance.

Special elections to fill.

SECTION 32. Special elections to fil
or for any other purpose, shall be hel
ducted by the inspectors and clerks of
the several election precincts in the san
and the returns thereof shall be made
form and manner as of the general
elections, and within such time as pre
law.

Person to hold for unexpired term.

SECTION 33. Every person elected o
to fill a vacancy, shall hold his office an
the duties thereof for the unexpired te

very person elected or appointed l, before he enters upon the dis- ies thereof, take and subscribe provided for by the constitution, with the city clerk within ten of his election; and in case of his same within the time indicated, deemed vacant.

To subscribe oath of office and file with clerk.

e city treasurer, comptroller, jus- constables and such other offi- on council may direct, shall be- n the discharge of the duties of ffices, execute and deliver to the h sum as the common council vith two or more sureties condi- hful discharge of the duties of ffices, and with such other condi- non council may prescribe. The nay at any time require new and of any city officer. All bonds by the mayor and when so ap- be filed in the office of the city ays after the officer executing ve been notified of his election; oved and filed shall be recorded n a book to be kept for that pur- hall annex to each record a cer- ame is a true copy of the origi- ord shall be prima facie evidence such bond; and in the absence ay be used as evidence in all te. Justices of the peace and lso give a bond as required by

What officers required to give bond, condition of, etc., new and additional.

To be approved by mayor and filed with clerk.

very officer elected or appointed y be removed from such office ee-fourths of all the members ouncil; but no such officer shall pt for cause, nor unless charges inst him, and an opportunity eard in his own defense. The hall have power to compel the tnesses and the production of essary for the purpose of such roceed within ten days to hear e case upon the merits thereof. suspend any officer against

Removal of officers.

Attendance of witnesses may be compelled.

ings of the common council or perfo
duties of the mayor, shall be styled "acti
and any act performed by him in sucl
shall have the same force and effect
formed by the mayor; but the presid
common council as acting mayor, sha
authority to sign or approve any ordi
regulation, claim, resolution, warran
proceeding whatever which the mayor
to sign and communicated such refu
common council.

City clerk, how appointed; duties.

SECTION 41. The city clerk shall be
by the mayor and confirmed by th
council, and shall hold his office for a t
year. He shall have the care and cust
corporate seal and all papers and rec
city. It shall be his duty to attend al
of the common council, and to keep a
of their proceedings; to record all ordi
bonds in a book to be kept for that p
keep a record of all licenses granted,
ord shall at all reasonable times b
inspection by the public; to carefully
all receipts filed with him except as
herein provided; and to draw and sig
ers upon the treasury, except as
herein provided, in pursuance of
or resolution of the common cou
shall keep a full and correct account
books provided for that purpose. He
and possess the powers and authority
form such duties as clerks of cities a
may be required to perform under th
laws of the state. He shall keep an ac
count with the treasurer, and charge
all tax lists presented to him for colle
all sums of money paid into the tre
cities of the second and third classes
be ex officio secretary of the board
works and board of school commissioner
thirty days after the close of each fisca
shall make and cause to be published
cial papers of the city, a financial
showing the receipts and disbursemen
count of each fund during the last
financial year. Copies of any and
papers, documents or instruments duly
kept in his office and transcripts from t

gs of the common council, cer-
er the corporate seal of the city,
in all courts and places, in like
n the same force and effect as if
e produced. He shall also have
ster oaths and affirmations au-
ken by and under the laws of
nall perform such other duties
ed of him by the common coun-
clerk shall appoint a deputy, in
s hand, and shall file such ap-
office; and such deputy clerk
erformance of the duties of such
direction, and in case of his ab-
, or of a vacancy in his office,
the duties of such clerk during
ntil such vacancy shall be filled;
erk and his sureties shall be li-
ficial bond for the acts of his

May appoint deputy; powers of.

he city attorney shall conduct
ness of the city and of the de-
f, and all other law business in
all be interested; he shall, when
written opinions upon subjects
by the mayor or common coun-
ommittees or any other depart-
nicipal government. He shall
all the cases to which the city
n any court of record, in which
ntered all steps taken in each
at all reasonable hours be open
any of the officers or electors of
ll also be the duty of the city
all ordinances, bonds, contracts,
es and such other instruments
be required by the officers of
ine and inspect tax and assess-
all other proceedings in refer-
ing and collection of taxes and
to perform such other duties
ribed by the charter and ordi-
y. He shall have authority to
ant who shall have power to do
ed by law of the city attorney;
city attorney shall be responsi-
the acts of such assistant, and
not be liable for nor have any

City attorney, duties of.

May appoint assistant; duties.

authority to pay compensation to such

City treasurer, duties and liabilities.

SECTION 43. The city treasurer shall city, county and state taxes; and shall moneys belonging to the city, keep a account of the same in suitable book for that purpose, and shall pay over the his hands according to law. He shall tailed account of the money receive bursed by him in such manner as the council shall direct; his books shall at able times be open to inspection by an the city. He shall make a report to th council each month, and as much oft quired, which report shall embrace a st the receipts and disbursements in his ten days preceding every annual electio make out and file in the city clerk's o and minute report of all the moneys re disbursed by him; of all tax certificates and other effects of pecuniary value in sion, and of all other transactions rela office, necessary to show the actual fina dition of the city; which report shall e the transactions of his office from the d like report of his predesessor to the report required to be made out by him. keep an accurate account of each of th funds in his custody. In cities of the fi shall receive no fees or per diem or other tion for his services except the salary f common council prior to his election; that in all cities the common council m his election fix a salary for the city treasu shall be in lieu of all fees. Except as otherwise provided, he shall have and powers and authority and perform such treasurers in villages and towns are r perform under the general laws of the

In cities of first class to receive no fees or per diem, etc.; salary.

Comptroller, duties, cities of first class.

SECTION 44. In cities of the first comptroller shall, on or before the first vember each year, make to the commo detailed statement of the expenses of t the several wards thereof, during the year, and such report shall also conta ment of the estimated expenses of t fiscal year as the same have been prepa common council, and an estimate of th income of the city for that year fro

tion. He shall examine all esti-
work to be done, made by the board
and all contracts made by them,
rsign the same if they are legal,
essary funds shall have been pro-
proposed work, and no such con-
valid until so countersigned. He
t of all certificates, for the pay-
special taxes are to be levied and
and file with the city clerk a list
l taxes to be levied each year in
rtion in the tax roll, in the form
f special taxes, and shall certify
of the same; and such certified
be prima facie evidence of the
ularity of the special taxes levied
hereof. He shall report monthly
council the condition of the sev-
the city, and a statement of all
tracts and claims which will be
ach fund. All claims and demands
y founded on contract, shall be
usted by the comptroller, and he
onthly statement to the common
claims so audited and adjusted by
ch claim shall be allowed by the
shall have been so certified. He
nd countersign all city orders be-
all be valid. He shall have power
aths and to take testimony as to
hich it may be his duty to decide.
record of all his acts and doings
open to the inspection of all par-
ppoint a deputy for whose acts he
ible, and such deputy may act for
ring his sickness or absence.

Report monthly to council.

In all other cities the comptroller
ne time, file with the city clerk, a
ent of the expenses of the city
ds thereof, during the last fiscal
statement shall also contain a
e estimated expenses of the fiscal
ed in section 7, of chapter 16, of
ed, "assessment and collection
the income of the city for that
rces other than taxation. He
gn all contracts made with the
ssary funds shall have been pro-

Duties of, in cities of first class.

vided to pay the liability that may b
against the city under such contracts, a
contract shall be valid until so counters
shall make a list of all certificates fo
ment of which special taxes are to b
each year, in time for the same to be i
the tax roll, in the form of a schedul
taxes, and shall certify the correctn
same, and such certified schedule shall
facie evidence of the legality and re
the special taxes levied in pursuance th
no irregularity in the making of such li
validate such special tax. He shall rep
ly to the common council in writing, th
of the several funds of the city, and of
tion of all outstanding contracts and cla
may be payable out of each fund. He
amine and countersign all city ord
the same shall be valid but shall
ersign such orders before the mo
the treasury to pay the same. He
amine all claims presented against
whether founded on contract or othe
determine as to each claim whether
is properly itemized and sworn to, i
tract, whether the items charged a
whether such claim was incurred by
thority, and generally determine the
of such claim. For the above purpose
have power to swear witnesses and
mony. If he does not find any objec
claim, he shall mark his approval the
disapproves, or approves in part and d
in part, he shall report his reasons there
all cases he shall report the evidence
him. No claim shall be considered by
cil or reported to a committee till it
been thus examined and reported

To examine treasurer's account.

comptroller. He shall examine each
treasurer's accounts as reported by him
by such treasurer, and report as to th
ness of the same and also any violat
treasurer of his duties in the manner
his accounts or disbursing the moneys
The comptroller shall procure a clai
the expense of the city, in which all clai
the city shall be entered as fast as the
filed. Said claim book shall be provid

be in such form as to provide for name of the claimant, number of l, amount claimed, date of report er, whether approved and for how llowance or disallowance by the allowed, date of the order issued e, number of such order and ion of the same. The comptrol- rform the duties of a member of blic works, such other duties as im under the provisions of this ake such examinations as to the f the officers of the city not here- ovided for as may be from time of him by the common council.

Official newspaper to be designated by council.

The common council at its first oon thereafter as may be, shall more newspapers printed in the all be published, all ordinances, r proceedings required by law to l said common council shall have rity to establish by ordinance such inting and publishing as to them and proper; provided, that the inting shall not exceed the legal k as the same now is or hereaf- lished by law.

Proof of publication of ordinance, etc.

When any ordinance, notice, reso- proceeding shall have been pub- such publication together with he printer or his foreman stating e the same has been published h the city clerk, and such affi- nclusive evidence of the publica- nance, notice, resolution or other he bill for such publication shall ntil such affidavit is so filed.

Other officers to perform duties required by law.

ll other officers elected or ap- nd by virtue of the authority of rform such duties as are required by like officers under the general , and also such as are prescribed council.

CHAPTER VII.

THE COMMON COUNCIL—ITS POW

Common council, who to constitute; style of ordinances.

SECTION 49. In cities of the first mayor and aldermen, and in cities of and third classes the mayor, aldermen visors shall constitute the common co the style of all ordinances shall be: "T and common council of the city of —— as follows:"

First meeting, regular and special, when held.

SECTION 50. The common council its first meeting in each year on the t day of April, and shall thereafter hold meeting on the first Tuesday of each m at such other times as the council m The mayor may call a special meeting ten notice to each of the members, to personally or left at their several place at least six hours prior to the time for s ing.

Rules, quorum, ayes and noes, may be required.

SECTION 51. The common council sh mine the rules of its own proceedings. T of the members shall constitute a quoru transaction of business, but a smaller nu adjourn; their sessions shall be open to the ayes and noes may be required by ber; and on the adoption of any ord resolution assessing or levying taxes

To be taken on appropriations, etc., and entered on journal.

appropriation or disbursement of mon ating any liability or charge against t any fund thereof, the vote shall be tak and noes, and every such vote shall be length upon the journal. The commo

To be judge of qualification, etc., of members.

shall be the judges of the election and fications of its own members, and may members or other persons present by fi orderly behavior, may compel the atte its members upon its meetings, and e police of the city for that purpose, m expel any member for neglect of dut member or for unnecessary absence fro

Confirmations, vote viva voce.

of the council. At all confirmations b council the vote shall be taken by viva such vote shall be recorded by the cle journal; a concurrence of a majority

council shall be necessary to a

he common council shall have and control of the finances and rty of the city, except as herein ed, and shall likewise in addition ers herein vested in them, have authority to make, enact, or- publish, enforce, alter, modify, al all such rules, by-laws, and the government and good or- for the benefit of the trade, f the city and health of the in- f, for the prevention of crime, into effect the powers vested in ney shall deem expedient, such ve power to declare and impose nforce the same against any per- ho may violate any of the provis- nances, rules, by-laws or regula- ordinances, rules, by-laws and ereby declared to be and have the vided, that they be not repugnant n of the United States or of this ws thereof, and for the aforesaid mmon council shall have author- resolution, by-laws or regulations: nse, regulate or prohibit the ex- mon showmen or shows of any ns of caravans, circuses or theat- es, billiard tables, bowling saloons, lleys, and to provide for the abate- al of the same under the ordi- ty and the laws of the state; and ses for and regulate groceries, keepers of ordinaries, saloons, or other houses or places for the away of spirituous, vinous or fer- provided, that in case an applica- e is denied the council shall not ill after the succeeding first day any license for dealing in or vend- nous or fermented liquors by the he same place; provided, further, may establish saloon limits by or- aid limit shall not be extended, in favor of the same of three- members of the common council;

Powers of, manage and control finances, adopt rules for government of city, impose penalties, etc.

License, regulate or prohibit showmen, etc.

and provided, further, that no such licen
be granted except by a majority vote o
members of the common council; and th
to whom such license is granted shall giv
in such form, in such sum, and with suc
tions as the common council may determi
two or more sureties, and no person sh
more than one bond as principal or two b
surety.

Prohibit gambling.

Second. To restrain, prohibit and sup
descriptions of gambling and fraudulent
and practices.

License and regulate concerts and exhibitions.

Third. To license, regulate, suppress or
concerts or other musical entertainments
erant persons or companies; exhibitions o
or artificial curiosities, and all other ex
and amusements.

Suppress riots, disturbances, disorderly houses.

Fourth. To prevent and suppress riot
disturbance or disorderly assemblages;
suppress and restrain disorderly houses an
of ill fame.

Compel cleansing of nauseous places.

Fifth. To compel the owner or occupan
grocery, cellar, tallow chandler's shop, s
tory, tannery, stable, barn, privy, sewers,
unwholesome or nauseous house or
cleanse the same from time to time, or re
abate the same, as it may be deemed n
for the health, comfort and convenienc
inhabitants of said city.

Direct management, control and location of breweries, tanneries and packing houses, etc.

Sixth. To direct the management o
regulate breweries, tanneries and packing
and to direct the location, management a
struction of, and regulate, license, restrai
or prohibit within the city and within a
of four miles therefrom of distilleries, sl
ing establishments, glue factories, establi
for cleaning or rendering lard, tallow, o
such other substances as can or may be r
and all establishments or places where an
eous, offensive or unwholesome business
carried on; provided, that the Milwaukee,
inee and Kinnickinic rivers with their bra
the outer limits of the county of Milwau
all canals connecting with said rivers,
with the land adjacent to said rivers an
or within one hundred rods thereof,
deemed to be within the jurisdiction of
of Milwaukee.

direct the location and manage- markets.

Location of public markets.

egulate butchers, and to regulate sale of game, poultry, fresh meat, butter, fruit and other provisions , and to appoint an inspector or ood and to describe their duties ion, and to cause the seizure and other disposition, of the tainted e meat, butter, vegetables, fruit

Regulate butchers, and sale of game, meat, fish and provisions, and appoint inspectors.

irect or prohibit the location and f houses for the storing of gun- ther dangerous and combustible

Prohibit storing of gunpowder, etc.

egulate and restrain the keeping of gunpowder and other combus- erous materials, and the use of ghts in barns, stables and out-

Regulate keeping and conveying same.

o prohibit the shooting of fire arms nd the exhibition or use of any fire- ime or in any manner which may y the council dangerous to the city, erty therein or annoying to the

Prohibit shooting of fire arms crackers or exhibition of fire-works.

prohibit the encumbering of the ks, lanes, alleys, public grounds, cks with carriages, carts, wagons, wheelbarrows, boxes, lumber, fire- osts, signs, awnings or any sub- ial, or in any manner whatsoever.

Prohibit encumbering of streets, sidewalks, public grounds, docks, etc.

To prohibit horse racing and im- or driving in the streets.

Prohibit horse racing, immoderate riding or driving.

To prohibit and punish the abuse

Punish abuse of animals.

o compel persons to fasten their other animals attached to vehicles hile standing or remaining in any ublic grounds.

Compel persons to fasten horses, etc.

o regulate and determine the times thing and swimming in the canals, or other waters in and adjoining prevent any obscene or indecent duct.

Regulating bathing.

To restrain and punish vagrants, eet beggars, and prostitutes; and nkards, immoderate drinking or

Punish and regulate vagrants and the like, restrain drunkards and obscenity.

obscenity in the streets or public pla provide for arresting, removing and any person or persons who may be gu same.

Prohibit dogs running at large.

Eighteenth. To prohibit the runni of dogs and to authorize the destruct same in a summary manner when at trary to the ordinances.

Licensing dogs, rate.

Nineteenth. To provide for licensin ing of dogs at a rate of not less than nor more than ten dollars a year for and to provide for a badge or token to by each licensed dog; and for the secur of such licensed dogs.

License and regulate hackmen and the like.

Twentieth. To license and regulate draymen, cartmen, porters, omnibus d men and carmen, whether in the pern ployment of any corporation or othe may pursue like occupations, with vehicles, and to prescribe their compen to establish and change from time to t for hacks and other public vehicles.

Prohibit rolling hoops of other amusements in streets.

Twenty-first. To prohibit and regula ing of hoops, flying of kites, playing other amusements or practices having to annoy persons passing in the streets sidewalks, or to frighten teams and ho

Regulate landing or persons from boats.

Twenty-second. To regulate, contro hibit the landing of persons from boat wherein are contagious or infectious disorders, and to make such dispositi persons as to preserve the health of t ants of said city; and also to make to prevent the introduction of contagio into the city, or the spread of the sa to make quarantine laws or regulations force the same within the city, and no five miles beyond the city limits.

Establish hospitals.

Twenty-third. To establish hospita provide for their regulation and suppo

Provide for preservation of health.

Twenty-fourth. To do all acts and regulations which may be necessary o for the preservation of health and the s of disease.

Regulate burial of dead and registration of births and deaths, cemeteries, bills of mortality.

Twenty-fifth. To regulate the bu dead and the registration of births an purchase and hold ground for cemete or without the city limits and to exerci

l thereof; to direct the returning
bills of mortality, and to impose
ysicians, sextons and others for
e premises.

To regulate and restrain or pro- Prohibit running at large of cattle, horses, mules, swine and other animals.
g at large of cattle, horses, mules,
other animals, and to authorize the
ounding and sale of the same, for
rred and the cost of proceedings;
se penalties on the owners of any
r a violation of any such ordi-

h. To regulate the holding of Regulate holding auctions.

. To prescribe and regulate the Construction of sewers.
ewers within the city.

To locate, purchase sites and Public buildings, locate and purchase sites for.
the erection and construction of
To acquire by gift, grant, devise,
ase or condemnation, lands for
other public purposes, and to sell,
nvey the same.

lay out, make, open, and keep in Lay out, make, when, discontinue streets, etc.
iscontinue any highways, streets,
and to keep them free from in-
to protect them from injury.

To establish and alter the grade Establish grades of.
o regulate the manner of using
avements in said city, and to pro-
from injury by vehicles used

To name or change the name of Naming streets

To make and establish public Public pounds, pumps, wells, reservoirs, etc.
wells, cisterns and reservoirs, and
erection, maintenance and opera-
rks for the supply of water to the
e city, and to supply such city
re protection and other purposes;
erection of water-works, said city
or ordinance, grant to any per-
pany or corporation, the full right
build and own such water-works,
, operate and regulate the same;
o, to use the streets, alleys and
y in laying and maintaining the
nes and hydrants for such term
such conditions as may be pre-

scribed by such ordinance or contract
also, by contract or ordinance, provide
ing from such water-works, the city
for fire protection and for other pur
also the inhabitants thereof with wate
term of years, for such price, in such m
subject to such limitations as may b
said contract or ordinance.

Lighting streets, public grounds and buildings with gas or otherwise, contract of.

Thirty-fourth. To provide for lig
streets, public grounds and buildings w
otherwise; and for such purpose to c
ordinance or otherwise, with any perso
company or corporation, for a term not
ten years at any one time, at such pri
terms, and subject to such limitations
prescribed by such ordinance or contra

Board of health.

Thirty-fifth. To establish and regul
of health.

Abate and removal of nuisances.

Thirty-six. To provide for the aba
removal of all nuisances under the ordin
common law, and the punishment of t
thereof, or persons continuing the sam
alties, fine or imprisonment; and to def
clare what shall be deemed nuisances;
ing in this act shall be construed to
court of jurisdiction to enjoin or to
abatement and removal of nuisances in
or any other part of the city, or withi
diction, by indictment or otherwise.

Prohibit depositing or having within limits unwholesome substance.

Thirty-seventh. To prohibit any pe
bringing, depositing or having within t
the city, any putrid carcass or other
some substance, and to require the r
destruction of the same by any person
have upon or near his premises any
stances, or any putrid or unsound beef,
or hides, and, on his default to author
moval or destruction thereof by some
officers of the city at the expense of su
or persons.

Prohibit ringing bells, blowing horns and noises, collection of persons.

Thirty-eighth. To prohibit the ringi
blowing of horns and bugles, crying of
all other noises, performances and devi
to the collection of persons on the stre
walks, by auctioneers or others, for th
of business, amusement or otherwise.

Steam whistles.

Thirty-ninth. To regulate or prohib
of steam whistles within the limits of t

rovide for sprinkling the streets ity or of the lots or parts of lots

Sprinkling streets.

compel the owners or occupants unds to remove and keep snow, n from the sidewalk, street or eto, and to compel such owner move from the lots owned or all such substances as the board irect; and on their default, to noval or destruction thereof by e city, at the expense of such s.

To compel removal of snow, dirt, etc., from sidewalks streets or alley.

To prohibit all persons from rid- horse, ox, mule, cattle or other ewalks in said city, or in any to such sidewalks.

Driving on or doing damage to sidewalks.

o regulate the sale of bread d prescribe the size and weight f, and the quality of the same, the seizure and forfeiture of ary to such regulations.

Regulate sale of bread, size and weight of loaf.

To require every merchant, re- dealer in merchandise or prop- otion which is sold by measure his weights and measures to city sealer and to be subject to to provide for the punishment alse weights and measures. The weights and measures shall be ose established by law in this

Regulate weights and measures.

regulate the weighing and sale places and manner thereof; to and cutting of ice, and to re- such ice as is impure; to regu- g and sale of wood, and the of coal and lime and the places of.

Weight, measure and sale of hay, wood and coal.

license and regulate auction- ewers and pawn-brokers and etors of junk shops and places urchase of second hand goods, ndise.

Regulate auctioneers, distillers, brewers and pawn brokers, etc.

To license, regulate and restrain and runners or solicitors for s, cars, railroads, stages, public establishments, and other run-

License, regulate and restrain hawkers, peddlers and runners.

ners or solicitors for mercantile houses
cities or towns for the sale of goods,
merchandise by sample, order or othe
keepers or proprietors of gift book
concerts and other gift enterprises; to f
ulate the amount for licenses under th
ion, to prescribe the time for which su
shall be granted, to provide and enfor
for carrying on either of said trades, ki
iness or employments without licen
regulate the manner in which they shal
on; provided, that no such license shall
for a less term than three months, nor
er term than one year.

Lumber yards in fire limits.

Forty-eighth. To regulate or pr
keeping of any lumber yard and the p
ing, or selling of lumber, timber, woo
combustible material within the fire
said city.

Inspection of stationary engines and boilers.

Forty-ninth. To provide for the ins
regulation of stationary steam en
boilers.

Appointment of inspectors.

Fiftieth. To provide for the appo
inspectors, weighers and gaugers, an
their duties and to prescribe their fees.

Regulate locomotive engines in city.

Fifty-first. To regulate and prohit
of locomotive engines within the c
rect and control the location of railroa
the streets, to regulate the speed of rail
within the city and to require railway
to construct and maintain at their ow
such bridges, viaducts, tunnels, or
veniences at public railroad crossings
mon council may deem necessary; also
the running of street railway cars,
down of tracks for the same, the tra
of passengers thereon and the kind of
used.

Watchmen and policemen.

Fifty-second. To provide for the ap
of watchmen and policemen, and to re
police and prescribe their duties.

Numbering houses, stores, etc.

Fifty-third. To compel the owners
pants of all houses, stores and other b
number the same in such manner as th
council may from time to time prescrib

Abatement of noxious weeds.

Fifty-fourth. To declare the weed
called the Canada thistle, and othe
plants and weeds in the city a public

the abatement of the same, as
zed by law to abate other nui-

Planting trees.

direct and regulate the planting
ornamental trees in the streets
ls.

Bridges, erection and construction of

xclusively to erect and construct,
e or procure to be erected and
pivot or draw bridges over the
r waters within the jurisdiction
eep the same in repair and reg-
eof; said bridges to have draws
, when necessary, for the pur-
on; provided, that if the village
organize as a city under the pro-
ct, the common council thereof

City of Superior no authority to construct over bays of Superior or St. Louis.

thority or power, to erect, con-
or procure to be constructed,
dges over the bay of Superior,
uis or any part of the St. Louis
itutes the boundary between the
n and the state of Minnesota.

Preservation of harbors establish rules and regulations.

To provide for the preservation
thin or of the city; to prevent
me, or of such part of any lake,
ing or pond as is within the city,
lation thereto, inconsistent with
the public health, or calculated
er of the same, or any part there-
nsive, or tending in any degree
ruct the same; to prohibit and
g or depositing therein of any
als, ashes or other substance, or
ting matter; to prohibit and re-
ion therein, and punish the au-
regulate and prescribe the mode
ssels entering and leaving the
g the bridges and of coming to
om the wharves and streets of
mboats, canal boats and other
ls; and the disposition of the
ors and appurtenances thereto,
aving or abiding in the harbor,
nd prescribe, by such ordinances,
harbor master or other author-
location of every canal boat,
er craft afloat, and such changes
nd use of the harbor as may be

necessary to promote order therein, a
safety and equal convenience, as near as r
of all such vessels, boats, crafts and floats;
impose penalties, not exceeding one thous
las, for any offense against such ordinan
by such ordinance to charge such penal
gether with such expenses as may be incu
the city in enforcing this section, upon the
boat, canal boat or other vessel, craft or fl

Establish dock lines, construct piers, etc.

Fifty-eighth. To establish dock lines, r
the construction of piers and wharves ex
into any lake, or navigable waters; and
scribe and control the prices to be charg
pierage or wharfage thereon; and to regula
scribe and control the prices to be char
dockage and storage within the city.

Wharfing privileges, may be leased.

Fifty-ninth. To lease the wharfing privi
the rivers and navigable waters at the
streets, upon such terms and conditions as
reserved in the leasing of other real estate,
ing such rent as may be agreed upon, and e
ing such remedies in case of non-perform
any covenants in such case as are given by
other cases; but no buildings shall be

Owners of adjoining lots to have preference.

thereon. The owner or owners of the ad
lot or lots shall in all cases have prefer
leasing such property, and a free passage o
same for all persons, with their baggage, s
reserved in such lease.

Education of destitute children.

Sixtieth. To authorize the taking up
provide for the safe keeping and educat
such periods of time as may be deemed exp
of all children who are destitute of proper
al care, and growing up in mendicancy, ign
idleness and vice.

Authorize the arrest, fine and imprisonment of vagrants—who deemed.

Sixty-first. To authorize the arrest, fine a
prisonment of vagrants, or persons who, n
ing visible means to maintain themselv
without employment, idly loitering, or ra
about or staying in groceries, drinking s
houses of ill fame, houses of bad repute, ga
houses, railroad depots, fire engine houses,
shall be found trespassing in the night tim
the private premises of others; or begg
placing themselves in the streets or othe
oughfares, or public places to beg or receiv
also keepers, exhibitors or visitors at any g
tables, gaming house, house of fortune tell

ighting, and all persons who go
urpose of gaming or who shall
ossession any article or thing used
oney under false pretenses or who
y place where public or private
either on week day or Sabbath,
religious worship is held.

To prohibit the carrying of con-
, and to provide for the confisca-
such weapons

Carrying concealed weapons.

To control and regulate the con-
ldings, chimneys and smokestacks;
the erection or making of any in-
e building, stack, wall or chimney
to declare them to be nuisances,
for their summary abatement.

Control and regulate construction of buildings, chimneys.

To regulate or prohibit the use
eater, opera-house, church, school-
ng of any kind whatsoever to be
assemblage of people, unless the
ed with ample means for the safe
ess of the persons therein assem-
alarm.

Regulate and prohibit use of hall, theatre, opera-house, etc., not having fire escape.

To improve such portions of any
is within the city and to establish
thereof so far as existing shores

Improving lakes and rivers.

No common council shall have
it the running at large upon the
ic grounds of the city, of any cat-
es, asses, hogs, sheep, goats, geese,

Not to permit cattle, etc., to run at large.

. Laws, ordinances, regulations
hall be adopted by an affirmative
rity of all the members of the com-
nd shall within fifteen days after
e published in the official paper or
city before the same shall be in

Laws, ordinance, etc., how adopted and published.

The common council shall examine
accounts of the clerk, treasurer
officers or agents of the city after
have been audited by the comp-

To adjust accounts of clerk, treasurer and other officers.

The corporate authority of the city
in the mayor and common council.

Corporate authority, where vested.

CHAPTER VIII.

ACTIONS, APPEALS, BONDS, SURETI

Actions to recover penalties, how brought.

SECTION 55. All actions brought to rec penalty or forfeiture or for the punishme offender for the violation of the ordinan laws, made by the city, shall be broug corporate name of the city.

Judgment how entered.

SECTION 56. In case of convictions i brought or prosecuted to recover a pena any of the provisions of this act, or to r penalty or forfeiture, or to impose a pu for a violation of any of the ordinance tions or by-laws of such city, the court sl judgment for such fine, penalty or forfe gether with the costs of prosecution ag defendant; and shall also enter a judgm such defendant be imprisoned in the cou house of correction until such judgment not exceeding, however, the term of six and shall forthwith commit the defenda ingly. In cases where the defendant is to be punished by imprisonment, the co also render judgment that such defendar costs of prosecution, and that he be hel prisonment until such costs are paid, court shall limit such additional term of ment in its discretion, in no case, howev ceed six months.

May appeal to circuit court.

SECTION 57. Any person aggrieved judgment of the court, imposing a fine or forfeiture or a term of imprisonment peal from such judgment to the circui the proper county in the same manner offenders may under the general law ap the judgments of the justices of the actions where the state is a party plai vided, that this section shall not apply t from the municipal courts where by la peal may be taken directly to the supre

Action on claim or demand against city, when may be had.

SECTION 58. No action shall be main any person against any city organized provisions of this act, upon any claim o until such person first shall have pres claim or demand to the common council ance, and the same shall have been disa

whole or in part; provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim shall be deemed a disallowance thereof.

SECTION 59. The determination of the common council disallowing in whole or in part any claims shall be final and conclusive, and a bar to any action in any court founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

Determination of council final.

SECTION 60. Whenever any claim against a city organized under the provisions of this act shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such common council disallowing said claim to the circuit court of the county in which such city is situated, by causing a written notice of such appeal to be served on the clerk of such city within twenty days after the making of the decision disallowing such claim; and by executing a bond to the city in the sum of one hundred and fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council with its decision thereon, and shall transmit the same, together with all the papers in the case, to the clerk of the circuit court of the proper county. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said court; provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by the common council exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceed the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

Appeal from decision of council, how taken.

When appellant to pay costs

CHAPTER IX.

THE POLICE COURT.

Police justice, when to be re-eleced.

SECTION 61. In every city which sha this act for its government, and which sha time of such adoption have a court or ju what name or title soever, such court or juc be called, having the jurisdiction herein co upon police courts, or wherein justices peace shall have such jurisdiction, the juri and procedure of such court, judge or jus the peace shall continue unaffected by until such court, or the office of such judge jurisdiction of such justices shall be aboli law, and in the meantime no police justi be elected and no police court established city, under this chapter. In every other c erned by this act a police justice shall be every fourth year the same as other city are elected, whose term of office shall co the first day of May succeeding his elect who shall hold his office for the term of fou and until his successor shall have been and qualified.

Council may fix judge's salary.

SECTION 62. In cities of the first class t mon council shall fix the salary of the pol tice. In cities of the second and third cla common council may at its option, fix a sa the police justice which shall be in lieu of and costs. In every city of the first class lice justice may appoint a clerk who sha the docket, records and papers of the cou shall be paid such salary as the common may from time to time allow; but no cha the salary of the clerk shall take effect dur term of office of the judge in which it wa

In cities of first class, justice may appoint clerk, council to fix salary.

No fees to be paid by court officers in cities of first class.

SECTION 63. In cities of the first class th judge, the clerk of the police court and th officers attending such court and serving cess, shall receive no fees, and all costs c in said court shall be paid into the city t and credited to the general fund.

Court, how designated, when to be open.

SECTION 64. The court held by the police shall be called the police court. It shall daily, Sundays and legal holidays excepted

SECTION 65. In cities of the first class th

have jurisdiction to try and sentence all against the ordinances of the city. The rt shall also have jurisdiction to try all nors triable before a justice of the peace ne warrants for the apprehension of per- ged with the commission of offenses not fore a justice of the peace, and to exam- alleged offenders, and commit or hold ail, the same as a justice of the peace of ight do but for this chapter. In cities cond and third classes the police court the civil and criminal jurisdiction of a the peace, within the limits of such xclusive jurisdiction of offenses against nces of the city.

Jurisdiction in cities of first class.

Same in cities of second and third classes.

66. No justice of the peace in any city here shall be a police court under this hall have any criminal jurisdiction of ommitted in such city, nor any author- e warrants for the apprehension of any fender for an offense committed therein, xamine or commit or hold to bail any nder charged with any crime or misde- ommitted in said city. In case of the ickness or disability of said polic jus- ay, by an order in writing, to be fi d in t appoint a justice of the peace or a missioner of said city, to discharge the said police justice during such abse ce, r disability, who shall have all the p w- police justice while administering s ch

Justices of the peace not to have criminal jurisdiction, when.

When justice of the peace or court commissioner may act for police justice.

67. The police court may sentence n convicted of the violation of any ordi- ishable by fine or imprisonment, either nd any person convicted of any misde- iable in said court, to pay the fine and of the prosecution, or be imprisoned in jail or house of correction, in the alter- d when proper facilities for that purpose in the jail or house of correction, the order the prisoner to be kept at hard ng the term of his imprisonment, if he the ability to labor.

Sentences may be imposed by.

68. There shall be kept in every police cket wherein shall be entered the sub- every complaint, the date of the issu- e warrant and the date and substance

Docket to be kept, entries, how made in.

of the return thereof, the plea of the acc
names of the witnesses, the names and v
the jury, if any, and the judgment of t

Forms used by court in prosecutions for violation of ordinances.

SECTION 69. The following shall be
tially the forms to be used in said court
of prosecutions for the violation of ordin

COMPLAINT.

State of Wisconsin, City of ——. } ss. In the police
said city

Complaint for violation of ordinance.

A. B. complains on oath to the police
the city of —— that C. D. did, as the d
verily believes, on or about the —— day
A. D. 18—, at said city, violate an ordi
said city, to wit: [here insert the title a
of the ordinance or the chapter and sectio
general ordinance] in that he did then ar
contrary to said ordinance [here insert th
omission complained of], wherefore the co
ant prays that said C. D. be arrested a
with according to law.

A. B.,
Compla

Subscribed and sworn to before me th
day ———, A. D. 18—.

E. F.,
Judge [o

WARRANT.

State of Wisconsin, City of ——. } ss. In the police
said cit

Warrant.

The state of Wisconsin, to the chief of
any police officer of the said city, or the s
any constable of the county of ———.
hereby commanded to arrest and bring
said court as soon as may be, and safely k
ject to the order of said court, the body o
charged with violating one of the ordin
the city of ———.

Dated ———.

E. I
Judge [or

Commitment, what to constitute.

A certified copy of the judgment of t
shall constitute the commitment of any
sentenced to imprisonment by said co
cases wherein the offender shall be sent

nd costs or be imprisoned, in the al-
ne clerk shall endorse upon the com-
statement of the amount remaining
ich fine and costs.

0. In cities of the first class whenever
person shall demand a trial by jury
t the judge shall direct the officer in
or some other suitable person to pre-
f twenty-four qualified jurors, and the
officer, or some person designated by
r that purpose on one part and the ac-
counsel on the other shall each strike
nes, the prosecution striking off the
nd the defense the second, and so on
and the remaining twelve shall there-
nmoned and shall serve as jurors in
n cities of the second and third classes,
all be selected in the same manner as
ourts in criminal cases. The venire
he following form:

Trial by jury may be had; how drawn.

sconsin, } ss. In the police court of
—— } said city.
of Wisconsin to [here insert the names

Venire, form of.

nereby summoned and required to at-
urt forthwith to serve as jurors there-
ion there pending, wherein the ——
ntiff and C. D. defendant. Hereof fail
peril.
—.

E. F.,
Judge [or clerk].

ror or jurors named in the venire shall
d, or shall be unable to serve, a tales-
smen shall be called, and if qualified
he place on the jury of such juror or
found or unable to serve; provided,
party shall have a right to challenge
nan for cause, and at least two tales-
otorily.

Talesmen may be chosen.

71. The costs taxable in the police
be the same as in justice courts for
vices, and in cities of the second and
s such costs shall be paid to the judge
ficers earning them respectively, un-
dge or officer shall be paid a salary,
se such costs shall be paid into the city

Costs taxable same as in justice's courts.

CHAPTER X.

FIRE DEPARTMENT.

Fire department may be organized.

SECTION 72. In every city governed act, not having a paid fire department, it competent for the common council to pr ordinance for the organization and man of volunteer fire companies, and to ap from the general fund such sums as deemed requisite for the aid of such com procuring apparatus and outfit, and r ing and housing the same, and to provide nance for the appointment of a chief en fix his term of office, designate his autho to provide suitable penalties for the vio any of the provisions of the ordinance under this section.

Fire limits may be designated.

SECTION 73. In every city governed by it shall be competent for the common to fix and designate fire limits within w buildings having wooden outside walls sha structed, or repaired so as to increase the beyond a percentage to be fixed in the or and the council may, by ordinance, special fire limits, within the general fi within which special fire limits they quire such building material to be used; additional precautions to be observed, the construction of new buildings and pairing and maintenance of existing buil they may from time to time designate, prevention of fires and the spread and co cation thereof; and to provide any proper for the enforcement of such ordinances a passed in relation to fire limits or any p provision thereof; and to that end they vide for the appointment of a building i designate his authority, fix his term of o provide for his compensation.

Paid fire department may be established or continued.

SECTION 74. It shall be competent for mon council of every city to provide by o for the establishment or continuance o fire department to be entirely under the of the city government, and maintained sole expense of the city; to provide for pointment of a chief engineer of the fire

as many assistants as may be deemed
and fix their salaries; and to provide
ppointment and compensation of as
men as shall from time to time be

Necessary fire engines and apparatus may be procured

75. In every city governed by this act
paid fire department shall have been
, either under this act or before its
t shall be competent for the common
provide for the purchase and mainte-
l necessary fire-engines and apparatus
inction or prevention of fires, for the
n and maintenance of all necessary en-
s and fire stations, fire alarms, fire sig-
raphs or telephones, and for the use of
means of extinguishing or preventing
l the common council may appropriate
ary sums for carrying the foregoing
into effect.

Fire account to be kept.

76. In every city having a paid fire de-
the city treasurer shall keep a separate
th the general fund, to be called the fire
n which shall be entered all disburse-
or on account of the fire department,
ropriations made, and all taxes collected

Firemen's relief fund may be established.

77. The common council may estab-
for the relief of firemen injured in the
of their duties, and for the relief of the
f firemen who may lose their lives in
rge of their duties or in consequence
d may provide for the management
ution of such fund or the proceeds
d may require all active firemen to con-
to exceed two per cent. of their wages
d.

CHAPTER XI.

HE BOARD OF PUBLIC WORKS.

Board of public works, how constituted in cities of first class.

78. There shall be a department known
d of public works, to consist of three
ers. In cities of the first class the
ers shall be appointed by the mayor
ed by the council, at their first regu-
, or as soon thereafter as may be; and
rs of the first board shall hold their

offices one, two and three years respecti
thereafter they shall hold their offices
years, or until their successors are appoi
qualified; in all other cities, the board
sist of the city attorney, the city comptr
city engineer or surveyor.

In cities of other classes.

Board to choose president and secretary, when.

SECTION 79. The members of the boar
lic works shall, on the first Tuesday i
each year, choose a president of the bo
their number; and in cities of the firs
secretary; in cities of the second and thir
the city clerk shall be the secretary of
by virtue of his office.

In cities of second and third classes city clerk acts as secretary.

Mayor to appoint city engineer; duties; powers.

SECTION 80. In cities of the first
mayor with the approval of the commo
shall appoint some competent person a
gineer, whose term of office shall con
one year and until his successor is a
unless he shall be sooner removed by th
for cause. The city engineer shall keep
in some convenient place to be designat
common council, and it shall be his dut
engineering work required by said coun
board of public works. The city engin
possess the same power to make surveys
within the city that are given by law t
surveyors; and like validity and effect
given to his acts, and to all plats and
made by him, as are or may be given to
plats and surveys of county surveyors.

To keep record of acts and doings.

SECTION 81. In cities of the first class
neer shall keep on file in his office, and in
cities in the office of the city clerk, a rec
his official acts and doings; and shall als
copy of all plats of lots, blocks and se
braced within the city limits; also all p
streets, alleys and sewers, and of th
thereof, and of all drafts and plans re
bridges and harbors and of any public
belonging to the city; and shall at the s
keep a record of the location of all ben
and permanent corner stakes from whi
quent surveys shall be started; which sa
and documents shall be the property o
and open to the inspection of parties i
and shall be delivered over by said engin
expiration of his term of office to his su
to the board of public works. In citi

first class, on the last Tuesday in March of each year, and in all other cities whenever requested, the city engineer shall make a report of all doings of his department to the board of public works.

To report to board of public works.

SECTION 82. The commissioners of public works in cities of the first class shall be each paid an annual salary to be fixed by the council before the appointment of such commissioners, and at the time other salaries are fixed under this act; in all other cities the salaries of the city attorney, city comptroller and city engineer respectively shall be in full for their services as members of the board of public works.

Composition of board; how fixed in cities of first class.

How in other cities.

SECTION 83. In cities of the first class each member of the board of public works shall, before entering upon the duties of his office, take and file in the office of the city clerk, an oath of office, and shall give a bond to the city, with sufficient sureties, in such form and sum as the council may direct for the faithful performance of his duties.

Members to take oath of office.

SECTION 84. The common council may make such rules from time to time as they may deem proper, not contravening any of the provisions of this act, for the government of the board of public works and the manner in which the business of said board shall be conducted.

Council to make rules for government of.

SECTION 85. A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of such city. They shall make a report to the council on or before the first day of March in each year, and oftener if required.

Quorum; record of proceedings to be kept; report.

SECTION 86. It shall be the duty of the board, under the direction of the common council, to superintend all public works; and to keep the streets, alleys, sewers and public works and places in repair.

To superintend public works.

SECTION 87. All repairs, and alterations of school buildings and premises shall be under the charge of the board of public works; but such repairs or alterations, except ordinary repairs costing not more than fifty dollars, shall first be directed to be made by the common council.

Repairs and alterations of school buildings.

SECTION 88. No building shall be moved through the streets or obstructions be placed therein without a written permit therefor granted by the

Permits for moving buildings through streets may be granted by.

board of public works; said board s
power to determine the time and mann
the streets for laying or changing wa
pipes, or placing and maintaining ele
telegraph and telephone poles. Prov
ever, that the decision of said board in
may be appealed from to the council.

Repair and restoring streets.

SECTION 89. In case any corporation
ual shall neglect to repair or restore to
condition any street, alley, or sidewalk,
altered or taken up, within the time
manner directed by the board, said b
cause the same to be done at the exper
corporation or individual.

Public work, when to be let by contract.

SECTION 90. All public works, the
cost of which shall exceed two hundr
shall be let by contract to the lowest r
bidder; and all other public work shall
the common council may direct. Wher
is directed to be let to the lowest respo
der, or when such work is required to
under the provisions of this section, th
public works shall advertise for pro
publishing a notice in some newspap
and published in the city, at leas
each week, for at least six successive w
fore such proposals are advertised for, a
the work to be done, together with the
tions, shall be placed on file for the ins
bidders, and a form of contract with s
the same will be required to be execut
ders, shall be prepared, and a copy of
furnished to any person desiring to
work. No bids shall be received when r
panied by a contract with sureties, ex
the part of the bidder and such suret
sureties shall justify as to their respons
by their several affidavits show that
worth in the aggregate at least the am
tioned in the contract, in property situa
the state of Wisconsin, not by law exe
execution.

To advertise for proposals, specifications and profile of work.

Contract, how executed.

When bidder unreliable, duty of board.

SECTION 91. Whenever any bidder s
the judgment of said board, incompeten
wise unreliable for the performance of
on which he bids, the board shall rep
common council of the city a schedule
bids for such work, together with t

o accept the bid of the lowest respon-
for such work, with their reasons for
nendation; and thereupon it shall be
ne said common council to direct the
ther to let the work to such compe-
liable bidder, or to re-advertise the
he failure to let such contract to the
r in compliance with this provision,
validate such contract or any special
made to pay the liability incurred
contract.

May re-advertise.

2. All contractors doing any work
in any manner obstruct the streets or
nall put up and maintain barriers and
vent accidents, and shall be liable for
caused by failure so to do. All
all contain a provision covering this
d shall also contain a provision mak-
ractor liable for all damages caused by
t digging up of streets, alleys or public
which may result from any carelessness
ractor in the prosecution of such work.

Duty of contractors, to put up barriers and lights, liability.

3. All contracts shall be signed by
nd clerk unless otherwise provided by
ordinance. Provided, however, that
shall be executed on the part of the
e city comptroller shall have counter-
me and made an indorsement thereon,
t sufficient funds are in the city treas-
provision has been made to pay the
will accrue under such contract

Contracts signed by to be mayor and countersigned by comptroller.

4. All contracts shall contain a pro-
rizing the board of public works, in
k under such contract is not com-
n the time therein required, to take
e work and finish it at the expense of
or and his sureties.

Contracts to contain proviso authorizing completion of work by board of public works on failure of contractor so to do.

CHAPTER XII.

WATER-WORKS.

5. In cities where the water works
y the city, the same shall be operated
rection of the board of public works.

Water-works to be operated under direction of board of public works.

6. The common council shall have
islate on all matters with reference
ruction, operation, management and

Powers of council.

protection of water-works for the city n
vening the provisions of this act or the
tion or laws of the state; provided, how
all provisions relating to water-works
otherwise provided, shall be adopted by
not less than a majority of all the memb
council.

City may acquire lands for water-works, how, when owned by private persons or corporations.

SECTION 97. The city may acquire by
or otherwise, as specified in this act for
real estate for the public use, such land
be necessary for the construction and op
water-works to supply the city and th
ants thereof with water; provided, tha
where the water-works are owned b
persons, or corporations the expenses of
such real estate shall be paid by such p
corporations on a proper conveyance be
to such persons or corporations of sai
tate.

Water-rates may be collected by cities.

SECTION 98. When cities own the wa
the water-rates shall be collected by the
urer, and shall be devoted exclusively t
penses of maintaining and operating t
and paying the principal and interest
debtedness created in the constructio

Board of public works to furnish list of lots or parcels of real estate to which water furnished.

SECTION 99. On the first day of Ja
July, in each year, the board of public w
furnish the city treasurer with a list of
parcels of real estate to which water
furnished by the city during the pre
months and the amount due for the sam
amount due is not paid within ten d
after a penalty of ten per cent. shall be
the treasurer shall proceed to collect the
with said penalty, together with five
thereon for his fees. He shall have a
thority in collecting said tax vested
the collection of general city taxes.

Penalty for non-payment, treasurer to collect.

To be a lien, and inserted as delinquent.

shall be a lien on the real estate to
water was furnished from the time s
placed in the hands of said clerk, and
not paid by the first day of Novemb
year that have accrued during the
year, shall be reported by the treasurer
clerk who shall insert the same in the t
a delinquent tax against the property.
ceedings in relation to the collection, r

perty for delinquent city taxes shall
d tax.

00. The board of public works before water pipe along any street, alley or a said city, shall assess against the sev-rts of lots or parcels of land which n or abut on the proposed line of water hich may be contiguous to and used in with any such lot or parcel of land s such lot or parcel of land will be in ent of said board, specially benefited f laying such water pipes, not to ex-ver, the amount prescribed in the next vided, that no lot, parcel of land or f, shall be subjected to the payment of one assessment for water pipe laid in reet or alley.

Subject to only one assessment.

101. A regular lot (not corner) which or abut on the line of water pipe, shall an amount equal to one-half of the imated by the said board of public rnishing and laying a regular minor of approved materials and manufacture quired openings for connections with ice water pipes along the front of said minor pipe to be not less than four nor six inches in diameter, as the said board nine. Every irregular lot, part of lot or l of land fronting or abutting on such r pipe, and likewise any parcel of land or hall be contiguous to any parcel of land rt of lot so fronting or abutting, and e judgment of said board is or may be ntageously used in connection there-be assessed for such water pipes the hich in the judgment of said board nearly as may be in just proportion to assessed for regular lots, as compared ecial benefits derived by each from the e said water pipe.

Lots, how assessed.

Size of pipe.

102. Every corner lot, and every lot, or parcel of land, which may front or ore than one street on which it is lay a line of water pipe shall be as-very such line of water pipe; but the of the assessment therefor on any such l of land shall be as nearly as may be portion to the amount assessed for regu-

Corner lots and those fronting on more than one street, assessment of.

lar lots, as compared with the special be
rived by them respectively from the
such water pipe; and in making such a
the said board shall take into consider
situation of such lot or parcel of land
spect to its different fronts, and all sul
thereof by sale, contract, use or occu
severalty, and may assess subdivisions s
and may also assess any subdivision of s
parcel of land in connection with any o
of such lot or other lot or land contiguou
and most advantageously used in connect
with.

Subdivisions.

To make equitable proportions.

SECTION 103. Whenever any lot or
land shall be subdivided by sale or contr
use or occupation in severalty, whether
division shall occur before or after the as
of special benefits as herein provided,
board of public works may, after asc
such facts, at any time before the speci
ment shall have been inserted in the tax r
an equitable apportionment of the be
against such lot or parcel of land ar
different subdivisions thereof.

To file reports of assessment with comptroller.

SECTION 104. The said board of publ
shall file reports of such assessments
comptroller in cities of the first class and
city clerk in other cities, who shall re
same in a book to be kept for that pur
give notice thereof, to the parties inte
publishing the same once in each week
successive weeks in the official papers.
son feeling himself aggrieved by the repo
board may, within twenty days after
pletion of the publication of notice by t
troller appeal from such report to the circ
of the county. Such appeal shall be ent
conducted in like manner and like sec
costs shall be required as provided by
cases of appeals from the decisions of the
council of said city to said court on the
assessment of benefits for street impro
In the making and signing of all repo
turns under this chapter, by said board
works to the comptroller or any other
said city, the official signature of the
and secretary of said board shall be suffi

Appeal from.

Official signature to reports sufficient.

SECTION 105. The said board of publ

Report of work done for which assessments have been made, to be filed.

to time, make and file a report roller in cities of the first class y clerk in all other cities, of all which assessments shall have been before provided, and shall make all assessments for work so re- been done to the board of pub- , if practicable, make certified ty clerk in time to have the same ax levy for the current year; and e entered on the tax roll in a sep- nder the head of "water pipe as- the same shall be collected, and erefor shall be enforced by sale, proceedings, in like manner as is law in cases of assessments for provements, except that no cer- issued, but all such assessments reof when collected shall belong rks fund.

When provisions hereof not to apply.

The preceding provisions relating ion of water mains in whole or in nse of abutting owners, shall not cases where the city owns the

CHAPTER XIII.

HEALTH COMMISSIONER.

Mayor to appoint health commissioner, to be confirmed.

In every city governed by this the duty of the mayor, once in ominate a regularly licensed phy- ssioner of public health, who shall y the common council, and who fice for the term of three years, uccessor shall be appointed and

Duties.

It shall be the duty of the commis- health to provide such rules and hall be requisite and necessary tion of the health of the people revent the spread of contagious cause the removal of all objects he health of the people of the city, uch rules and regulations as here-

All rules and regulations prepared

To report rules and regulations to council.

by the commissioner of public health a
him reported to the common council, a
common council shall confirm the sam
of a majority of the members thereof,
and regulations shall have the force an
ordinances, and the violation thereof
prosecuted and punished as in the cas
nances.

May recommend sanitary measures.

SECTION 110. The commissioner
health shall also, from time to time rec
the common council such sanitary mea
executed at the public expense, as sha
him to be necessary for the preservat
public health.

Council to provide office for, and fix salary.

SECTION 111. It shall be the duty of t
council to provide an office for the comm
public health and to fix his salary whic
paid out of the city treasury, as the salari
city officers are fixed and paid, and to p
him such assistants as may be necessa
fix their salaries.

Assistants to be provided, salary.

Council may impose additional duties on.

SECTION 112. The commissioner of pu
shall also discharge such duties not her
erated as may, from time to time b
upon him by the common council by
or resolution; and he shall make such
the state board of health, and generall
such duties as are or may be required
officers by the general laws of the state

CHAPTER XIV.

SCHOOLS.

Not to affect school government already in force, council may change.

SECTION 113. In every city which s
this act for its government, if there s
the time of such adoption a board of ed
school board, elected by the people
provisions of its charter, or where t
district system is in force, the electio
ganization, powers and duties of su
shall not be affected by this cha
such system shall continue as the la
place until changed by a vote of three-
the common council. In all other cities
by this act the board of education shall
one commissioner from each ward a
from the city at large, to be appoint

Board of education, how constituted.

firmed by the common council. appointing the first board under divide the members into three ly equal as may be, one of the at large being in each class, and hose of one class for one year, er class for two years, and those ng class for three years. Each shall hold his office for the l in such classification, and until all have been appointed and qual- at all commissioners shall be ap- ll hold their offices for the term of until their successors shall have and qualified.

Terms of office.

The first meeting of the board be held on the first Monday in n thereafter as may be. At its ach year the board shall elect bers president and another vice- president shall preside and pre- every meeting of the board at be present, and he shall perform es as the board shall, by rule, by- on, from time to time require of be the duty of the vice-president duties of the president in his ab-

Meetings of board officers.

Duties.

In cities of the first class the board all annually at its first meeting, after as may be, elect a secretary be a member of the board. In cond and third classes, the city ex-officio secretary of the board. nder the supervision of a county the board shall, in like manner, first meeting, or as soon there-, elect a superintendent of schools o shall not be a member of the fficers shall hold their respective year and until their successors elected, unless sooner removed by opted by the board by a vote of members.

Secretary, election of.

When city clerk to act as.

Terms of office.

The board of education shall have

stablish and organize such high many district schools and branches

Powers of board.

Establish and organize schools.

of the same, primary schools, night sch
kindergartens as they shall deem expedi

Establish or change districts.

Second. To establish and change, fro
time, such and so many school districts
include all the territory of the city, and
to the people of the city such distri
facilities as the circumstances of the cit
various parts may from time to time
provided, that in cities adopting this act
newly organized under it, the school
already established shall remain until
ordered by the board.

Apparatus.

Third. To purchase and preserve su
apparatus as may from time to time be

Grade schools.

Fourth. To grade the schools and
the course of study to be pursued therei
prescribe the text books to be used; prov
such text books shall not be changed oft
once in five years.

Employ teachers.

Fifth. To employ teachers of all grad
their salaries.

Prescribe rules of order, etc.

Sixth. To prescribe rules of order fo
ulation of their own meetings and deli
alter and repeal the same from time to
they shall see proper.

Committees.

Seventh. To appoint all necessary
and special commitees.

Enact, amend or repeal rules for government of schools.

Eighth. To enact, amend and repeal
sary rules, regulations and by-laws for th
ment of the schools, teachers and scho

Fix salaries, prescribe duties of superintendent, when.

Ninth. To fix the salaries and pres
duties of the superintendent of schools
not under the supervision of a county
tendent, to authorize him to appoint su
ant superintendents, either for general
service, as they may deem necessary, a
the salaries of such assistant superinten
fix the salary of the secretary of the b
his assistants, and prescribe the duties o
retary whether he be the city clerk, o
cially elected by the board, and in the l
to authorize such secretary to appoint su
ants as they may deem necessary.

Contract for purchase of fuel, etc.

Tenth. To contract for and purchase
sary fuel for the schools and school offic
provide for lighting the same, and to ap
itors for the school buildings and scho
and to fix their salaries.

To estimate the expenses of the of the city as hereinafter provided. Make estimate of expenses.

o exercise all the powers necessarily powers herein conferred. Exercise necessary powers.

It shall be the duty of the board to hold monthly meetings at such oard shall from time to time pre- ecial meetings of the board may be n rules and regulations as such board Meetings of board, when held.

It shall be the duty of the board of under the direction of the common ect and keep in repair all school to provide suitable offices for the tion, the secretary of the board of there be one, other than the city city superintendent of schools, if bsence of permanent school build- offices for the transaction of school board of public works may rent , temporarily, for schools or officers, Board of public works to erect and keep in repair school buildings and provide suitable offices for board of education.]

The board of education shall, as first day of November each year, mate of the expense of the public city for the ensuing year, includ- sary incidental expenses, and the of which it will be necessary to taxation, and certify the same to who shall lay the same before the cil, who shall include the same, or reof as they shall approve in the , to be raised by a tax called the , which shall be collected the same Make estimates of annual expense of schools, and certify same to city clerk. Duty of clerk thereon. School tax.

It shall be the duty of the city t aside and keep all moneys raised r school purposes, whether by the nty or the city, coming into his parate fund, to be called the school ay out the same upon the orders of education, signed by the president y the secretary of that board; pro- any city adopting this act, if at the adoption the board of education or shall have power to levy the city the district school taxes, such power unaffected by this chapter and this ot apply to such city, nor be in force

therein, until specially adopted by a vot
fourths of the members of the council;
that teachers' and janitors' salaries n
cluded in a single order each month in
of a pay roll, to be signed by the pre
certified by the secretary of the board
tion.

CHAPTER XV.

FINANCE AND EXPENDITURES.

Fiscal year.

SECTION 120. The fiscal year shall
on the first day of October in each yea
on the thirtieth day of September nex
ing.

Funds, council to control, how drawn out.

SECTION 121. All funds in the city tr
cept school funds, funds created and se
the payment of interest and principal o
of the city, and funds collected on spec
ments shall be under the control of the
council, and shall be drawn out upon th
the mayor and clerk, duly countersign
comptroller and authorized by a vote o
mon council. All orders drawn upon
urer shall specify the purposes for whic
drawn, and shall be payable out of an
city treasury not otherwise appropri

Orders what to specify.

orders shall be payable to the persons
favor they may be drawn or to the bear

Treasurer to pay out special funds only as appropriated.

SECTION 122. The city treasurer sha
out any of the funds in his hands whic
appropriated by law for any special pu
cept for the purpose for which such
specially appropriated, any direction o
council to the contrary, notwithstandin

Debts against city not to be contracted without authority, etc.

SECTION 123. No debt shall be
against the city, or certificate of ind
drawn upon the city treasurer unless
shall have been authorized by a vote o
ity of all the members of the commo
and no money shall be appropriated fo
pose whatever except such as is express
ized by this act.

Orders on treasurer not to issue unless money on hand to pay.

SECTION 124. The common council sh
thorize the issue of orders upon the city
unless the money to pay the same is in
of the treasurer to the credit of the f
which the orders are drawn.

The treasurer shall, on the first th, deliver to the city clerk a state- ie condition of the treasury at the eding month, and a statement of s since the last report. The comp- nine said report and the vouchers ments referred to and shall attach t of his examination thereof and all place the same before the com- its consideration at its next meet- l report shall have been approved all preserve the same with the d to therein in his office.

To deliver monthly statement to city clerk.

Comptroller to examine and report to clerk.

When to be filed.

The common council may borrow e ordinary expenses of the city, venty per cent. of the tax levy for se the preceding year. Certifi- dness may be issued therefor, ayor and clerk, bearing interest e legal rate per annum, and pay- an the fifteenth day of January are issued; provided, however, n shall be made unless authorized east three fourths of all the mem- non council at a regular meeting

May borrow money—limit—certificates of indebtedness, may issue.

The city council may designate e bank or banks where the money city shall be deposited and the pproved by the mayor and comp- en by such bank or banks, and is so deposited the treasurer and all not be liable for the loss of eason of the failure of such bank

May designate depository.

Treasurer not liable, when.

The common council may con- k receiving the city deposits for interest thereon.

May contract for interest on deposits.

The council may so provide that the hands of the treasurer at the th, not exceeding the sum to be e deposited in the bank or banks at purpose in a special account, all be drawn from said account ck or order signed by the treas- ntersigned by the comptroller. balance in the general account a specified sum the comptroller

Council may provide for deposit by treasurer.

Money how drawn.

When comptroller to countersign check to increase balance.

shall have authority to countersign a ch
sufficient amount to increase the balanc
general account to such specified sum. I
in this regard shall be made in any year
treasurer shall have filed his bond whic
crease the liability of the bondsmen.

Temporary loans how paid.

SECTION 130. All temporary loans sha
out of the taxes levied for the ensuing y
sooner provided for.

Money may be borrowed by cities of first class.

SECTION 131. In cities of the first
common council may by resolution adop
vote in favor of the same, at a regular
of three-fourths of all the members of th
borrow money to such amount as in th
of the council the safety or interest of
may require, and may issue certificates
edness therefor in the manner herein
provided, however, that no money sha
rowed or paid out except for strictly
purposes.

License moneys to be applied on payment of bonded indebtedness, separate fund.

SECTION 132. A sufficient portion of th
received for licenses of all kinds to pay
est on the outstanding bonded indebt
the city for the ensuing year and five p
the principal of such bonded indebtedn
be set aside for that purpose and placed i
fund on the first day of June in each

Bonds may be paid, and proposals for, advertised.

any of said bonds are due and there
available to pay the same, the treasurer
in such bonds in their order. If no bond
due, the treasurer may advertise for pr
sell bonds to the city in such manner as
cil may direct, and shall take up of t
offers, sufficient to exhaust the money
for such purpose.

May issue bonds.

SECTION 133. The common council s
authority to issue bonds for the follow
poses only:

Building school houses.

First. Building school-houses.

Bridges.

Second. Building bridges.

Public buildings for city.

Third. Building public buildings fo
of the city.

Apparatus for fire protection.

Fourth. Purchase of apparatus for fi
tion.

Sewers.

Fifth. Construction of main sewers.

Water works.

Sixth. Water-works.

Public parks.

Seventh. Public parks.

Provided, that no such bonds shall be i

l by ordinance adopted by a vote in ame of at least three-fourths of all of the common council elect. Said regular meeting not less than one e proposed ordinance shall have in the official paper of the city; further, that no such bonds shall that the amount thereof, together her indebtedness of the city, shall cent. of the assessed valuation of e assessment preceding the issue of nd, provided, further, that all such shall be payable at the pleasure of more than five years and absolutely an twenty years after their date, interest not exceeding six per cent. yable semi-annually.

When to favor ordinance for, procedure.

Indebtedness.

Not to exceed 5 per cent. of assessed valuation.

How payable and when.

All claims and demands against e itemized, verified by the oath of r some one in his behalf, and filed lerk, who shall deliver the same to r for examination, who shall within reafter examine such claim or dern the same to the city clerk with eon in writing, who shall place the e common council for its action at ng. When the council shall have tion, if the person making such nd feels aggrieved by such action l from such action in the manner s act.

Claims against city to be itemized, verified, filed with clerk, comptroller to examine and report on.

Appeal may be had by person aggrieved.

The common council may proyment of persons employed by the c works on monthly pay rolls and the form of the same; provided, rolls shall be verified by the board s, examined and countersigned by r, and be passed upon by the coun- other claims.

May provide for payment of persons employed by board of public works monthly.

CHAPTER XVI.

NT AND COLLECTION OF TAXES.

All property in the city, subject der the laws of this state, shall be ation for all purposes, authorized

All property subject to tax.

Assessors to make assessment.

SECTION 137. The assessor or assessor
or appointed under this act shall within
and in the manner prescribed by law for
the assessment of property for taxati
the revised statutes of this state, make
rate assessment of all property in the cit
to taxation. Provided, that in cities of
class the tax commissioner shall perform
ties in relation to the assessment of pro
taxation in such cities as may be prescrib
common council by ordinance in additio
other duties of such commissioner pres
the chapter relating to the duties of offic
provided further, that the assessment ro
entire city or the roll for each ward of
shall be made as the council may direct.

In cities of first class, tax commissioner to perform duties.

When to be delivered to.

SECTION 138. When the assessment ro
shall have been completed in cities of
class the same shall be delivered to the
missioner, and in all other cities to the c
who shall thereupon give notice by publi
the official papers of the city for ten day
a certain day or days therein named sai
ment roll or rolls will be open for examin
the taxable inhabitants; which said notice
sign a day or days certain for each wa
there are separate assessment rolls for su
for the inspection of such assessment r
such examination the tax commissioner, a
assessors may make such changes as ma
essary to perfect the assessment roll or
after the corrections are made the said ro
shall be submitted by the tax commiss
city clerk to the board of review.

In other cities.

May make necessary changes.

Board of review, cities of first class.

SECTION 139. In cities of the first c
mayor, city clerk, tax commissioner a
assessors shall constitute the board of re
in all other cities the mayor, city clerk, and
or assessors shall constitute such board;
that the common council may by ordin
vide for an increase of the membershi
board, by adding thereto not exceeding fo
bers of the common council.

In other cities.

When to meet.

SECTION 140. The board of review sh
on the first Monday of July of each year,
ceed as such board as prescribed by th
this state.

SECTION 141. When the roll or rolls s

and completed by the board of sor or assessors shall deliver the ed and verified as required by his state, together with all state- ons to the city clerk, who shall e in his office.

Rolls to be delivered to city clerk.

On or before the first day of No- year the board of public works f education shall each file with etailed statement of the amount vill be required for the ensuing ir respective departments. And ller shall likewise file a statement quired by the police department, the general fund and for the g interest for the ensuing year t, and five per cent. of the prin- he city clerk shall place such es- e city council for their consider- ouncil shall thereupon, by resolu- ums of money as may be suffi- eral purposes for which taxes are xceeding the limit provided by ing such levy they shall take n, the estimated amount that will e city during the fiscal year from

Boards of public works and education to file estimates.

Comptroller to make statement.

Duty of clerk.

Council to make levy.

It shall be the duty of the city t a complete tax roll in the man- rovided by law, and as soon as the levy shall have been made council as prescribed in the pre- and the certificate of the county e amount of state and county d to the city shall have been re- the same to be extended upon on a uniform percentage, by set- description of each lot, tract or nd to the name of each person oll, in proper columns, such pro- of the sums of taxes so levied as le upon such lot, tract or parcel t such person, and also enter and ch tax roll all special assess- to be entered therein. To such appended a warrant signed by lerk, substantially in the follow-

Clerk to make out tax roll, what to show.

Warrant to be signed by mayor and clerk.

Form of warrant.

"To —— ——, city treasurer of the c

"You are hereby required to collect of the persons and corporations named nexed tax roll, and from the owners o named, of the real estate described t taxes set down in such roll opposite spective names, and to the several parc therein described; and in case any pe poration upon whom any such sum or posed, shall refuse or neglect to pay you are to levy and collect the same and sale of the goods and chattels of or corporation so taxed, and out of t so to be collected, after deducting you are first to pay to the treasurer of said or before the last Monday of Januar sum of ——, for state taxes, you are to pay out as city treasurer, according sum of ——, and the balance of said n are required to pay to said treasurer purposes on or before the day above sp which day you are further required t turn to said treasurer of this warran roll annexed, together with your doin as required by law.

"Dated the —— day of ——, 18—

To be prima facie evidence.

SECTION 144. The tax roll and warr attached shall be prima facie evide courts that the land and persons ther were subject to taxation and to the sp ments therein entered, and that the was just and equal, and the same sha ered to the city treasurer on or before t day of December in each year.

Taxes not to be remitted by council after delivery of roll, except

SECTION 145. After the tax roll been delivered to the treasurer, as the preceding section, it shall not be the common council to remit, annul o tax specified therein, except in the cases.

For clerical errors in description.

First. When a clerical error has be the description of the property or in th of the tax.

Improvements not made when lots assessed.

Second. When improvements on lo sidered in making the assessment roll,

did not exist at the time fixed by
g the assessment.

Exempt.

on the property is exempt by law

When person assessed more than once.

hen a person has been assessed the
the same property in more than
ace.

Special assessments, how carried out on roll.

All special assessments shall be
the tax roll in a separate column
posite the lots or tracts upon which
be a lien, and the treasurer shall
authority with reference thereto
nt of such lien was a general tax.

Notice to be given by treasurer.

On the receipt of such tax roll
hall give one week's notice thereof
papers; such notice shall specify
must be paid before the tenth day
lowing.

May enforce collection, how.

On the expiration of the time
reasurer shall proceed to enforce the
ich taxes in the manner provided
ed, however, that in cities of the

Of personal property in cities of first class—chief police to collect fees.

reasurer shall issue his warrant di-
hief of police of the city, requiring
time specified in such warrant, to
s on personal property as shall then
, and the chief of police receiving
hall possess all the powers given by
asurers for collection of such taxes,
to the liabilities of town treas-
led to same fees as town treasurers

To give bond to city before delivery of warrant.

Before the treasurer shall sign
the chief of police, as provided in
section, such chief of police shall
the city, in such sum and with such
council may prescribe, for the pay-
y treasurer of all taxes by him col-
ed by virtue of such warrant.

When to return warrant.

Within the time required by the
state in the case of town treasur-
rn to the county treasurers of the
es on personal and real property,
of police in cities of the first class,
is warrant for the collection of
nal property to the treasurer.

City may take possession, when.

Out of the taxes collected the
l first pay the state tax to the

Order of payment by treasurer.

county treasurer and shall then set asid of money levied for school taxes, the levied for the payment of judgments sums raised as special taxes in the orde they are levied, then taxes for the pa principal and interest on the public taxes for bridge purposes, then for poses then for streets then other p provements and lastly county taxes quent returns shall be made to th treasurer, the same in all respects as re the general laws of this state, and there proceedings shall be had with reference linquent taxes so returned to the county as are provided for in case of delinquen from towns.

Delinquent returns.

Fees of treasurer.

SECTION 152. The city treasurer sh titled to receive and collect as fees for tion of taxes, one per cent. upon all lected prior to the tenth day of Januar year, and three per cent. upon all sum by him thereafter; and in case of a di sale made by him of goods or chatte payment of any taxes, he shall receive as are allowed to constables for simila The city treasurer shall keep in a book vided for that purpose true accounts by him received as city treasurer, source, and such book shall be kept op spection at all reasonable times and s urer shall have on file and make retu common council, duly certified on oa fees or other moneys received and pai him as treasurer, and shall receive no fu pensation for his services as treasure hereinbefore specified; provided, howev cities where the treasurer receives a s fees collected shall belong to and be pai city treasury.

In case of distress and sale of property.

To keep account of all fees received and make return.

Where treasurer is paid a salary fees to belong to city.

Directions given deemed directory only. Errors or informality not to invalidate.

SECTION 153. The directions hereby the assessing of lands and personal pro levying and collecting taxes, shall be dee tory only, and no error or informality i ceedings of any of the officers intruste same, not affecting the substantial just tax shall vitiate or in anywise affect th of such tax or assessment.

CHAPTER XVII.

EMINENT DOMAIN.

All cities of the first class governed ll have the power to condemn ts, alleys, public grounds, parks, es for school buildings and other s, and lands to be used for purposes d water distribution and other pub- urposes, not here enumerated, by roceedings.

May exercise right of eminent domain.

As to streets it shall be compe- n resident freeholders in any ward common council for the opening, nsion or change of any street in if the land proposed to be taken e shall lie in two or more wards, nt freeholders of each of the wards ed to join in the petition. Such e addressed to the common council, nate in general terms the location, roposed laying out, widening, ex- ge, but need not contain a particu- of the land proposed to be taken. ses of such petition a person in and under a contract of purchase ond for a deed, shall be deemed a

Streets, how opened, etc., petition required, who may sign.

When such petition shall be pre- ommon council it shall prior to the y resolution thereon be referred to ublic works, and said board shall to the common council, stating such petition is sufficiently signed; g a particular description of each ubdivision of land proposed to be at of the proposed street, widening, hange. Upon the coming in of such mon council may, if the petition fficiently signed, by a vote of a ma- embers, adopt a resolution declar- ecessary to condemn the land desig- petition and report, referring to urpose named in the petition, and attorney to commence and prose-

To be presented to council and referred to board of public works. Report.

Resolution on.

cute the proper proceedings for the con
and acquisition of said land.

Alleys, opening, widening, changing.

SECTION 157. As to alleys, a petiti
opening, widening, extension or cha
alley, may be made to the common
the owner or owners of one-third or m
land in the block in which the alley c
alley is situated, whether such owner
shall be residents of the city or not.
under a land contract or bond for a

Petition required, how signed.

for the purpose of such petition, be dee
owned by the person so holding it, a
and others under guardianship may
their guardians. Such petition shall,
resolution upon it shall be adopted,

Duty of board of public works —report.

to the board of public works, who s
upon make and report to the comm
stating whether or not the petition is
signed, and if so, giving a particular
of each lot, parcel or subdivision of lan
to be taken, and a plat of the propos
the same will be when laid out, widened
or changed. Upon the coming in of su
if it shall appear thereby that the petitio
by the owner or owners of one-third
the land in the block, the common co

Resolution on.

adopt a resolution by a vote of a majo
members, the same as in the case of a
the opening, widening, extension or c
street, and like proceedings shall be ha
If it shall afterwards appear, either in

Insufficint petition not to vitiate.

a street or an alley, that such petitio
sufficiently signed, that fact shall not,
sence of fraud, vitiate the petition on
quent proceedings thereon.

When council may act without petition and condemn property.

SECTION 158. The common council
out a petition, by a vote of four fifths c
bers, adopt a resolution declaring it to b
to condemn to the public use any land fo
ing, widening, extension or changing of
or alley and directing city attorney to
and prosecute the proper proceeding
and in the case of the opening or extens
lic grounds, or acquiring land as a site
building or other public building, or
purposes of drainage or water distribut
taking of lands for any public muni
poses not herein enumerated, the comm

; a petition therefor, and by a vote
f its members, adopt a resolution
e necessary to condemn lands for
escribing it in general terms, but
describing the lands proposed to
irecting the city attorney to com-
rosecute the proper proceedings
re any resolution provided for in
ll be adopted, it shall be referred
f public works, who shall there-
particular description of each lot,
vision of land proposed to be taken,
e proposed street or alley, public
ng site, drain, or water pipe, or
for other public municipal pur-
rt the same to the common coun-

Board of public works to act on resolution.

Whenever, by any resolution
any of the preceding sections of
shall be declared necessary to con-
ls and the city attorney directed
nd prosecute the proper proceed-
shall be the duty of the city at-
re and present as soon as may be
e circuit court of the county in
proposed to be taken, or some of
the condemnation of the land
e resolution for the purpose there-
nd to prepare and file with said
n list of the names and residences,
are known to him or can with
gence be ascertained by him, of
or being interested in the lands
taken therein; and said petition
xed thereto copies of the original
, the resolution of the common
e report of the board of public
e proposed condemnation. The
hall thereupon prepare a notice
the following form:

When city attorney to prepare and present petition to circuit court.

ONSIN,
(here insert
the proceed-
ty of ———.

In the circuit court
of the county of
——.

y concern:
eby given that a petition for the
of real estate has been presented
the above entitled matter, by the

Notice of hearing on petition, form.

city of ———, by its city attorney. Al
interested in said matter may answer sai
at any time within twenty days after t
of this notice exclusive of the day of ser
Dated ——.

A. B, city at

How served on owners.

Such notice shall be served upon the
land which is proposed to be condemne
persons interested therein in all respe
summons in a civil action except that i
service by publication and mailing, or b
tion alone, the publication shall be ma
official paper or papers of the city, a
that service within the state may be ma
chief of police of the city named in the
his subordinates, instead of the sheri
proper county, and the return or return
chief of police by himself or by his sub
upon such notice or copies thereof, shall
same force and effect as the return of
of the proper county by himself or by

Filing of petition deemed commenc'ment of action.

ties. The filing of said petition shall be
the commencement of a suit. Withi
days after the service of such notice
party, owning or being interested in an
tate proposed to be condemned, such p
serve an answer to such petition upon
attorney, and file the same as in cases of
in civil actions. No notice of retainer o

Answer to be served on city attorney.

ance without an answer shall be of a
When the time for answering shall have

When city attorney to call matter up.

pired, the city attorney may call up sai
for hearing upon a notice of three days
ing the day of service and excluding Su
legal holidays, and without notice to pa
have not answered, and such proceedi
have precedence over all other matter
trial; and the circuit court shall there

Jury to be empanelled.

panel a jury, as in civil cases triable by
determine whether or not it is necessar
the land proposed to be condemned for

To view premises.

lic use. Such jury shall view the pr
question in the same manner as in civi
when a view of premises is ordered by t

If no answer served, city attorney how to proceed. Issue, how tried when answer served.

at the expense of the city, and shall ret
court as in such cases; and if no ans
have been served, the city attorney shall
such evidence as he deems material

such condemnation, and if an an-
ers shall have been served, the issue
ition and such answer or answers
by the court and jury, the same as
f fact, and in either case, the court
on instruct the jury as in other cases
y. The jury shall thereupon retire
eir verdict as in other cases of jury
erdict shall be either, "We, the jury,
necessary to condemn the real estate
ondemned in this proceeding, for the
r, "We, the jury, find that it is not
ondemn the real estate sought to be
this proceeding, for the public use."
ing in of the verdict judgment shall
ondemning the land sought to be
the public use for the purpose
he petition, or dismissing the pe-
verdict shall require. If the jury
, a new jury shall be immediately
nd like proceedings shall thereupon
ore. If two juries shall disagree,
all be continued to the next term of
hen it may be again called up and
gs had thereon. If three juries
the proceedings shall be dismissed.
om a judgment of condemnation
ed, but the supreme court may re-
dgment upon a writ of certiorari
hin thirty days after the entry of
not thereafter.

Verdict of jury

Judgment, how entered.

If jury disagree, new jury empanelled.

If two juries, proceedings continued to next term. If three, dismissed

Supreme court may review judgment.

). The costs of the foregoing pro-
be paid by the city, and if the jury
it is not necessary to condemn the
ion to the public use, or if the pro-
be abandoned, any party who shall
n answer shall recover from the city
ents necessarily made or incurred
torney's fees not to exceed twenty-

Costs, who to pay.

. If the city shall not within one
entry of a judgment of condemna-
benefits and damages by reason of
ation to be assessed, as provided in
and shall not have, in the proper
for that purpose, a sum sufficient
cess of damages over benefits, the
proceedings shall be deemed to

When proceedings deemed abandoned.

have been abandoned. At the expiratio
year after the entry of such judgment t
troller shall, upon demand, furnish to th
or to any person who shall require it, a c
showing whether or not there was at th
such year, in any fund of the city avai
that purpose, a sum sufficient to pay suc
of damage over benefits, and such c
shall be prima facie evidence of the fact
certified. If it shall appear that there
fund of said city a sufficient sum avai
that purpose at the expiration of such ye
any time prior thereto, and after such ass
of benefits and damages shall have be
and confirmed, the city may take poss
the land condemned, an order on the ci
urer shall be issued, as in other cases, in
the person in whose favor any excess of
over benefits shall have been assessed,
certificate of the city attorney that suc
tled to receive the same. If the city
shall refuse to give any such certificate t
or parties claiming the same may appl
circuit court at the foot of the judgmen
demnation for a decision awarding such
to him or them, and upon such applica
eight days' notice thereof to the city
the court shall proceed in a summary ma
inquire as to the rights of the parties in t
ises, and may make up an issue upon suc
cation and submit the same to a jury in
case, and shall make and file a decision,
ing, as to who is entitled to draw the an
controversy, and in filing a certified copy
decision with the city clerk an order sha
sued in accordance with such decision.
two or more parties shall claim the same
if the city attorney shall be in doubt as t
such sum should be paid, he may, in like
apply to the court at the foot of the jud
condemnation for a decision as to the
the parties in respect to such sum, and u
application and eight days' notice there
parties interested, the court shall procee
manner to ascertain and decide who is e
said sum or any part thereof, and the c
urer shall in like manner pay the same
and according to such decision. An app

Comptroller to furnish certificate showing whether funds were available.

On refusal to furnish certificate, party may apply to circuit court.

Notice of proceedings, how had on.

Where two or more claiming award.

cision may be taken to the supreme y party interested therein, including hin thirty days after the filing of the ch sum shall not be paid while such nding, nor until the matter shall be mined. Such appeal shall be taken notice and undertaken as an appeal r in a civil action, and like proceed- e had thereon in the supreme court it court.

Appeal to supreme court.

How taken, undertaking required.

2. If any person, not the owner ondemned, shall have a lien thereon d or other interest therein, such per- eive a portion of the excess of dam- enefits awarded by reason of such n in proportion to the lien or interest e had in the land condemned, to be upon the principles of equity; and if annot agree the matter may be de- court at the foot of the judgment of n upon the application of a party or rney as provided in section 8. The ss of damages over benefits" shall, this act, be construed to include any hall be assessed as damages and not assessment of benefits, as well as the vor of a party in whose favor dam- n assessed and against whom benefits sessed.

Liens or leasehold interests entitled to portion of award.

Term "excess of damages over benefits," how construed.

3. When any land shall be con- er this chapter for public grounds or ol or other buildings, the city shall nple title to the land so condemned. cases the fee shall remain in the eirs and assigns, and the city shall condemnation only such an interest s shall be necessary and convenient and purposes for which it is con-

When city to take fee simple title.

4. Condemnation proceedings under shall in no case be a bar to subse- dings for the condemnation of the es or any part thereof for the same purpose; and the same land may be nore than once for different purposes, nt with the other.

Not to bar subsequent proceedings for same or different purposes.

5. When a street or alley shall be proceedings under this chapter, so

Part of street or alley vacated to be taken into account in assessing benefits.

much of the original street or alley as
left out of it as changed shall be deemed
without any other proceeding, and the
such vacation shall be taken into accou
sessing benefits and damages by reaso
condemnation proceedings.

Council to direct board of public works to make assessment of damages and benefits.

SECTION 166. It shall be the duty of the
council, within three months after any ju
of condemnation shall have been ent
adopt a resolution directing the board o
works to make an assessment of dam
reason of such condemnation, and in th
condemnations for opening, widening, ex
or changing streets or alleys and for
public grounds, parks and cemeteries, t
mon council may also direct the board o
works to make an assessment of benefit
resolution shall be certified by the city
the board of public works immediately

To be reported to council.

adoption and approval. When such ass
shall have been made and reported to the
council, that body may, by resolution,
the same, or refer the matter back to the
public works for a new assessment, or
resolution, abandon the condemnation
ing. If the common council shall for m
three months after the entry of a judg
condemnation neglect to order an assess
damages, or benefits and damages, as t
may be, the condemnation proceeding

When proceedings deemed abandoned.

deemed to have been abandoned, and if t
mon council shall not within one year a
entry of judgment of condemnation, con
assessment of damages, or of benefits an
ages, and make provision for paying the e
damages over benefits, the condemnati
ceedings shall be deemed to have bee
doned.

When and how board to proceed to assess damages or benefits.

SECTION 167. When the city clerk sh
certified to the board of public works a re
of the common council requiring an ass
of damages, or benefits and damages, to
under this chapter, the said board shal
diately proceed to assess the damages by
of the condemnation mentioned in suc
lution, as follows: Opposite each descri
the land condemned, the board shall se
in separate columns the damages s

by reason of the taking of the
ges, if any, to the adjoining prop-
ne owner, the total damages, and
ein benefits may be assessed, the
will, in their judgment, accrue to
vicinity of the condemned land
the condemnation in question,
damages over benefits, and the
its over damages, each such sum
posite the proper description.
ll be assessed against any lot, par-
ion, every part of which shall be
eet or more distant from the near-
mned, and no benefits exceeding
of the assessed value thereof ac-
last assessment roll, shall be as-
any lot, parcel or subdivision by
one condemnation proceeding, and
ding three per cent. of the assessed
according to said assessment roll,
d against any lot, parcel or subdi-
ole of which is more than five
stant from the nearest land con-
on of any one condemnation. In
damage or damages and benefits
blic works shall proceed as in case
d damages on account of public
giving like notices and like oppor-
rection, and reporting the assess-
mmon council in like manner.

Benefits, how assessed.

Notices, etc., how given.

When such assessment shall be
e common council the city clerk
he same to the comptroller, who
report to the city clerk a list of
be entered in the tax roll on ac-
which list shall have set opposite
n against which benefits not offset
an excess of benefits over dama-
been assessed, the amount of such
ss, which amount shall be levied
escribed as a special tax, and shall
same as other taxes.

Proceedings on confirmation of assessment. Comptroller to report list of special taxes to clerk.

The cost of each condemnation
t of the general city fund, except
demnations for streets and alleys,
nds less than five acres in extent
aid out of the ward fund or funds,
ard or wards, and the cost of con-

Cost of condemnation, how paid.

demnations for other purposes, as to w
are special funds, such as the water fu
erage fund, if any, shall be paid out of
and all special taxes levied and collec
count of any condemnation shall be
the fund out of which the cost of the
tion is paid.

Cities of second and third class may condemn lands.

SECTION 170. Cities of the second
classes may, at their option, condemn
any of the purposes mentioned in the fi
of this chapter either under the provisi
tion 927 and sections 895 to 904 inclusive
vised statutes of 1878, and the acts a
thereof, under the foregoing provisio
chapter.

Appeal may be had by party aggrieved.

SECTION 171. Any party aggrieved b
sessment of benefits or damages, or
appeal to the circuit court therefrom,
time, in the manner, and upon the sec
scribed in appeals from assessments
and damages on account of public
ments, and like proceedings shall be ha
Such appeal shall not affect any special
on account of an excess of benefits
ages, but the amount recovered by the
properly applicable in reduction of su
ment and the costs, if any, shall be p
the proper fund; also the amount rec
way of increasing any damages assess
damages when none have been assessed
costs, if any.

CHAPTER XVIII.

CITY IMPROVEMENTS.

Grades of streets and alleys.

SECTION 172. The city council shal
thority to establish the grade of all the
alleys of the city, and to change and r
the same as it may deem expedient;
that wherever it shall change or alter t
nently established grade of any stree
son sustaining damages to his propert
on such street by such change or alt
grade, shall have a right to recover suc
in the manner set forth in this chapter.

To be recorded.

SECTION 173. The grade of all stree

d described, and the adoption of
nd all alterations thereof, shall be
ne city clerk. No street shall be
ne grade thereof, is established and
manner herein set forth.

The streets shall be divided into a
nd a sidewalk on each side thereof;
shall be for the use of persons on
rson shall be allowed to encumber
boxes or other material; but such
be kept clear for the uses specified

Streets, how divided.

Sidewalks.

The city may cause streets and
pened, leveled, graded, regraded,
aveled, macadamized, paved and
wood, stone or other materials or
ny other manner; and may cause
d alleys to be swept and cleaned;
no street shall be graded, graveled,
or paved where the expense would
ndred dollars except upon the vote
f all the members of the council.

Streets and alleys.

Grading, paving, etc.

In the first instance the grading,
ng, planking, macadamizing or im-
any street or alley and the con-
osswalks where there is no inter-
ets shall be chargeable to the lots
land fronting or abutting upon
alley, in proportion to the benefits
ch lots or parcels of real estate by
improvement; provided, however,
amount so assessed to the abutting
enefits shall not exceed the entire
nprovement; and provided, further,
e shall the amount so assessed to
abutting real estate exceed the
g to such real estate by such im-
ept in case of sidewalks.

Improvement of, chargeable to lots, when.

The expense of all crosswalks at
n of streets or alleys, and across
, shall be paid by the city at large
ard. The expense of maintenance,
ng in repair and cleaning of streets,
ere the streets shall have been con-
e established grade, and graveled,
damized or paved as required by
ouncil, shall be paid out of the gen-

Crosswalks.

Cleaning and repair of streets.

eral fund of the city or the ward fu
proper ward.

Board of public works to view premises.

SECTION 178. Before the council sha
or alter any established grade, or shall
work to be done on any street, in whole
at the expense of the abutting real esta
order the board of public works to view
ises and determine the damages and
which will accrue to each parcel of abu
estate by such change or alteration of g
entire cost of the contemplated work or
ment upon the street, the benefits and
that will accrue to the several parcels o
real estate by such work or improvemen
amount that should be assessed under t
ions of this chapter to each parcel of s
ting real estate, as benefits accruing t
such contemplated work or improveme

To make reports.

SECTION 179. Said board shall make
their office a report showing their dete
on the questions required to be cons
them under the provisions of the prece
tion.

Notice of, to be given.

SECTION 180. Notice shall be given by
of public works, by publication in t
newspaper of the city, at least once in e
for two successive weeks that such
open for review at their office and will
tinued for a space of twenty days after
of such notice; and that on a da
therein, which shall be not more th
days after the expiration of said twe
said board will be in session to hear all
that may be made to such report. No
ity in the form of such report nor of s
shall affect the validity of the same
contains the information required to be
thereby. At the time specified for h
jections to said report, said board sha
parties interested who may appear for
pose, shall reduce to writing all objec
may be made, and all evidence tha
offered to sustain the same, and shall h
to review, modify and correct said repo
may deem just; and thereupon a com
final report shall be made and filed by s
with the city clerk, together with all
and evidence taken before them to su

Objections to report.

Final report to be filed.

r with proof of publication of said
irregularity in the form of said re-
er of conducting the proceedings by
all affect the legality of said report.

1. The city clerk at the next regu- of the council after the filing of said place the same before the council leration, and said council may con- t the same or refer the report back for further consideration.

Clerk to place report before council.

2. Subject to the limitations herein- oned, the common council may de- amount to be paid by the abutting benefits on account of the improve- reet, and the amount that shall be ity at large or the ward fund of the h said improvement is made.

Abutting real estate, amount to be paid as benefits.

3. When a final determination shall ached by the council, and the report of public works as made by them, or r modified by the common council, een confirmed, the city clerk shall e in the official paper of the city week for two successive weeks, that mination has been made as to the will accrue to the real estate abut- street; in case of the change of an rade; or the benefits to be assessed g real estate in the case of a proposed

Clerk to give notice.

4. If the owner of any parcel of on the street mentioned in said no- self aggrieved by reason of the de- nade by the common council he may y days after the date of such deter- eal therefrom to the circuit court, eal shall be taken, tried and deter- nds for costs shall be given and costs ke manner as in case of appeals from nce of claims under this act; pro- case any contract shall have been king the improvements said appeal ct said contract; but a certificate t in question for the amount of ben- to such lot shall be issued, notwith- appeal; and in case the appellant the difference between the amount the certificate so issued, and the

Appeal may be taken from determination to circuit court.

Certificate to issue.

City, when to pay difference.

amount adjudged to be paid as benefi
to the parcel of real estate described i
tificate, shall be paid by the city at lar
the ward fund as the council may dire

Appeal only remedy of owner.

SECTION 185. The appeal given by t
tion from the report of the board of p
as confirmed by the common council s
only remedy of the owner of any par
or of any person interested therein,
said improvement, for the redress of an
he may have by reason of the maki
improvements or by reason of the cha
established grade covered by said repo

Plans to be filed with clerk, bid to be let.

SECTION 186. When any of the w
mentioned shall have been ordered to
the plans for the same containing a de
the work, the materials to be used and
matters as will give an intelligent idea
required, shall have been filed with th
where the same can be inspected by
siring to bid on such work, the boa
works shall advertise in the official p
city for bids for doing such work for
of time as the board may think the
the city demand, not less, however, t

Board to prepare form of contract.

week for four successive weeks. The
prepare, or cause to be prepared a p
for the contract with sureties required,
the same to all persons desiring to bi
not consider any bid unless accompani
tract with sureties as prescribed by th
furnished, completed, with the excep
signatures, on the part of the city.

Notice, what to state.

published shall inform bidders fully
quirement.

Bids may be rejected.

SECTION 187. The board of public
have power to reject any and all bids,
opinion, any combination has been e
to prevent free competition, otherwise t
shall be let as prescribed in the chap
"Board of public works."

When contractor entitled to certificate.

SECTION 188. Whenever any work
done under contract, as provided in t
the same shall have been approved by
of public works, the contractor shall
to a certificate therefor as to each pa
against which benefits shall have bee
for the amount chargeable to said lot.

in such form as the board may amount chargeable to the city s the contract for the work may

Form of.

After the expiration of nine e date of said certificate the same ive evidence of the legality of all to and inclusive of the issue there- transferred by endorsement; pro- that this shall not affect any ap- eport of the board of public works the common council. If said cer- paid before the making out of the the same may be filed with the cities of the first class and with the other cities, and when so filed the atement of special assessments to e next tax roll shall include an ent to pay said certificates with at the legal rate, from the date of to the time when the city treas- l to make return of delinquent eafter the same proceedings shall se of other taxes except that all ed by the city treasurer and all ed by the county treasurer on ac- taxes, and all the tax certificates unty on the sale of the property the same is returned delinquent, red to the owner of the same on

When to be conclusive evidence of legality.

May be filed with clerk and included in tax roll.

When a contract is let for doing fied, herein chargeable to the abut- it may provide that the amounts may be paid with certificates or in improvement bonds, or that e partly made in certificates and improvement bonds, or both.

Payments, how made.

As soon as the amount chargeable real estate is finally determined cause a notice to be published in er, substantially in the following

To give improvement notice.

IMPROVEMENT NOTICE.

by given that a contract has been e] let for [—— describe the work

Form.

and street], and that the expense of sa
ment chargeable to the abutting real
been determined as to each parcel of
tate, and a statement of the same is
the city clerk. It is proposed to i
chargeable to the abutting real estate
special assessments, and such bonds w
covering all of said assessments exce
where the owners of the property fi
city clerk, within thirty days after the
a written notice that they elect to pay
assessments on their property, describi
on presentation of the certificates.

Improvement bonds, when and how issued.

SECTION 192. After the expiration o
days the council may issue improve
covering all of the assessments except
owners have filed notices of election
stated in the preceding section. Said
be signed by the mayor and clerk, be
corporate seal of the city and contai
citals as may be necessary to show th
chargeable to particular property, sp
same and the number and amount of

When payable.

SECTION 193. Said bonds shall be
interest coupon bonds, payable at th
the city after five years and absolutel
piration of seven years from their dat
draw interest at a rate not exceeding
per annum.

To prepare statement of special assessments.

SECTION 194. The city clerk shall ca
pare a statement of the special asse
which the bonds are issued, and recor
together with a copy of said bonds in

Treasurer to pay interest.

SECTION 195. The city treasurer sh
interest on and principal of said b
same become due and charge the am
proper fund.

One-fifth of special assessment to be extended on roll.

SECTION 196. In each year after the
said bonds; when the tax-roll for the
pared, one-fifth of the special assessme
parcel of property covered by said b
six per cent. interest on the amount o
cial assessment, the unpaid shall b
on the tax-roll as a special tax on sai
and thereafter the tax shall be treated
spects as any other city taxes, and wh
the same shall be credited to the fu
which payments on said bonds are cha

97. No action shall be maintained to of the special assessments or taxes nant to the same, after bonds have covering such special assessments, and shall be conclusive proof of all the on which the same are based.

No action to avoid after bonds issued.

98. The council shall have authority a board of park commissioners, to eir powers and fix their compensation.

Board of park commissioners.

99. Until such time as the council e for a board of park commissioners, parks of the city shall be under the e board of public works.

Board of public works to act as.

00. The council shall have full power with reference to public parks; provver, that no park shall be established nse of the city without the same is ted to a vote of the electors at an anection, and there is a majority vote the same.

Public parks, how establish'd

CHAPTER XIX.

SIDEWALKS.

01. In all cases where the grades of nall not have been specially fixed by he sidewalks shall be laid to the estab- of the street.

Grade of sidewalks.

02. The common council may, from e, by resolution, establish the width, he material, and prescribe the method tion of standard sidewalks, and the fixed may be different for different

Council to establish.

03. Whenever a street shall be im- the first time, or the grade thereof d the street improved so as to con- new grade, the grading of the side- be considered a part of the improve- e let by contract with the other work such street, and the expense there- rovided for and borne in all respects improving the street, but the con- the sidewalk shall be done by the e abutting lots or parcels of land, or ense as hereinafter provided.

Contract to be let—expense.

Owners to lay.

SECTION 204. It shall be the duty of of every lot or parcel of land abuttin improved street, or a street ordered to b whereon the sidewalk has been gra days or more, to lay at his own expen ard sidewalk in front of the same, or as the standard, to be approved by th public works.

Board of public works to cause same to be laid.

SECTION 205. Whenever the owner or parcel of land so abutting upon any street whereon the space for the side have been graded for ten days or neglect to lay a standard sidewalk, or as the standard fixed by the common proved by the board of public works the duty of the board of public wor a standard sidewalk to be laid in fr lot or parcel of land. Such work sha

Contract.

contract in all cases where the esti shall exceed one hundred dollars, and cases it may be done without the inte a contract; and in all cases where t shall be out of repair for more than shall be the duty of the board of publ repair the same. The board of pu

Account of expense to be kept.

shall keep an accurate account of the laying and repairing sidewalks in fr lot, subdivision or parcel of land, work be done by contract or without th tion of a contract, and report the same comptroller, who shall annually prep ment of the expenses so incurred in fr lot or parcel of land, and report the s city clerk, and the amount therein each lot or parcel of land shall be by th entered in the tax roll, as a special said lot, subdivision or parcel of lan same shall be collected in all respect city taxes upon real estate.

To be kept clear of snow, etc.

SECTION 206. It shall be the duty o of public works to keep the sidewalks clear of snow and ice in all cases whe

When owner neglects.

ers or occupants of the abutting lots f and the expense of clearing the sidew of any lot or parcel of land, shall be the statement to the comptroller requ last section, and in the statement of

ity clerk therein required, and in to be levied, as therein provided.

Rules and regulations.

The common council may from nake all needful rules and regulanance for carrying the aforesaid effect and for regulating the use s of the city and preventing their

CHAPTER XX.

SEWERS.

Sewers may be constructed.

All cities shall have full power to ems of sewerage, but no city shall ch construction until it shall have nto sewerage districts and a plan n adopted in the manner herein; provided, that it shall not be re any part of the system is conhe plan shall be determined upon s, but it shall be settled so far as portion of the system upon which on is commenced; and provided, his shall not apply to cities that etofore divided into sewerage disted a system of sewerage.

Diagrams to be made.

The board of public works shall s of the plans of sewerage for each repared, showing the lots and parne main sewers, minor sewers, man sins, and all other matters pertainem.

Notice to be given.

On the completion of such diaall be given in the official paper of ntially in the following form:

Form of notice.

eby given that a plan for sewerage bounded as follows: —— has been s now open to inspection at the ofclerk. All persons owning or inl estate in said district are entitled e same at any time within thirty first publication of this notice, and to said plan. On the —— day of board will be in session to consider that may have been filed, and all

persons desiring to be heard before the
then be heard.

Dated ——.

——
——
——

Board of Public

The day for the hearing specified sha
in thirty days after the last publicat
notice. Said notice shall be publishe
once in each week for four successive

Objections to be considered.

SECTION 211. On the day specified fo
ing before the board, they shall take u
sider all objections made to the plan a
and shall take down in writing any test
may be offered to sustain said objectio
the board shall have concluded said he
shall report the proposed plan with all
overruled and the evidence taken ther
common council. The common counci
examine the same and may approve t
proposed or change it in such mann
may think proper and approve as c
modified by them, or may reject the pl
rect the board to propose a new plan
case the same proceedings shall be had

Filing of diagrams.

SECTION 212. When the plan for an
district is finally determined, complete
of the same shall be prepared in du
certified to be correct by the board
works. One of which diagrams shall
the office of the city clerk and one in t
the register of deeds of the county wi
the city is located.

Report to be made.

SECTION 213. On or before the first
March in each year the board shall pre
council a report of the sewers necessar
able to be constructed during the ens
The council shall, as soon as practicabl
said report; they may approve the sam
such additions or changes as to them
best, and adopt the report as changed
fied. No sewer shall be constructed
ensuing year except such as shall ha
termined upon in the manner aforesa
by a vote of three-fourths of all the m
the common council. The board shall

ewers determined upon when and
o so by the common council.

Advertise for proposals.

After the common council shall
he construction of any sewer, the
c works shall advertise for and re-
the work so ordered, having first
carefully prepared and put on file,
the board for the examination and
lders, plans and specifications de-
articular work to be done and the
alities of materials to be used as
common council, and shall let the
e lowest responsible and reliable
d, however, that the board shall
to reject all bids and re-advertise
f they believe none of the bidders
, or if they believe any agreement
d into between bidders to prevent
d provided further, that the con-
be binding till the same shall have
by the common council and coun-
e comptroller.

Certificates may be given in payment.

Such contract may, at the option
ept as herein otherwise provided,
tractor to receive as payment for
work as has been assessed against
e to the front of which any such
end, certificates against such lots
improvement bonds, and the resi-
ntract shall be paid out of the pro-
neral sewerage tax, to be levied on
and personal property within the
cts by the common council on the
on of the board of public works.

Assessment to be made against lots. How.

After any contract for work un-
be paid for in whole or in part by
t shall have been entered into, the
works shall make or cause to be
ment against all lots, parts of lots
land, fronting or abutting on the
cted to be done on each side of the
hole length, and which have not
assessed for sewerage purposes, at
dollar per lineal foot of the whole
h lot, part of lot or lots, or parcel
g or abutting on either side of said
corner lots which shall be assessed
lows: Corner lots not subdivided

in ownership, and subdivisions of corn
stituting the actual corner of corner
vided in ownership, shall be entitled t
tion in making sub-assessment, of one
the aggregate of the street lines of s
lot or corner subdivisions thereof on al
in front thereof; such deduction to l
the assessment of the longest street l
corner lots or corner subdivisions the
case of equal street lines thereof, in
ment for the second sewer to which
able; provided, however, that when
cost of any sewer shall be less than t
per lineal foot, then and in that case,
ment shall be for the actual cost of s
per lineal foot, one-half thereof, to be
against the property fronting or abutti
on each side thereof. Whenever any
as originally platted, fronts or abuts on
is subdivided, and the subdivisions
owned by different persons, no subdivis
lots not fronting or abutting on such
not owned by the same person who ow
division fronting or abutting on such s
be assessed for the cost of such sewer.

Subdivision sale of lots. Equitable apportionment of benefits to be made.

SECTION 217. Whenever any lot or
land shall be subdivided by sale or
contract, after the assessment of bene
ing to it by a system of sewerage shall
made, and before such system shall
fully carried out and extended to su
sessed, and the assessment on such
any party interested may give notice to
of such subdivision, and in such case o
said board shall, in any other way be
nizant of the fact of such subdivision
make an equitable apportionment o
benefit tax against any lot between th
parcels of it; but if by neglect of the ow
lot so divided, no such apportionmen
made, then the entire lots shall be lia
entire tax.

Cost of, in street and alley crossings—see sec. 10.

SECTION 218. The costs of all sewer
and alley crossings, and of all sewers i
two dollars per lineal foot chargeable
lands as provided in section 10, of this
all catch basins for receiving the wate
gutters, and of the overflow pipes

e sewers, of all temporary catch
f the repairing and cleaning of
l expenditures for temporary work
carry on the system of sewerage
ed, and all cost for constructing
vided for by special assessment shall
the fund of the proper sewerage
l cleaning and repairing of sewers
ns, and all temporary work neces-
as above stated, shall be done by
f the board of public works as may

To report amount necessary in addition to special assessments.

The board of public works shall
common council on or before the
vember of each year, as accurately
he amount of money required for
oses for that year in each district,
he special assessments made; and
ouncil are hereby authorized to di-
nd collection of a tax for sewerage
ch district for such amount as may
ot, however, to exceed in any one
of two and one-half mills on the
operty, real and personal, subject
any such sewerage district; which
shall, when collected, be placed in
e sewerage district in which the
collected, and the city treasurer is
l and required to keep a separate
count of each sewerage district.

Certificates to be taken in payment.

Any person to whom a contract
the construction of a sewer shall
ment certificates against the lots,
or parcels of land so as heretofore
assessed, so far as the same will
on of the amount of such contract,
titled to receive city orders for the
yable only out of the fund of the
and it shall be the duty of the
works, after the completion of
and acceptance of the work, to
ificates on the request of the per-
receive them; and where any sum
due a contractor over and above
certificates so to be issued and re-
payment, to certify the same to
ouncil, which may direct an order
the proper fund for the payment

When board to certify payment to contractor.

Certificates, how signed.

of the same. All certificates of special assessments for building sewers, shall be signed by the mayor and clerk of said city and countersigned by the comptroller and delivered to the persons entitled to receive the same.

Contracts, how executed; city attorney to approve.

SECTION 221. All contracts entered into by the board of public works under this chapter shall be with sureties approved as to form and execution by the city attorney, and before taking effect, shall be signed by the mayor and clerk and countersigned by the comptroller.

Board to have superintendence of work.

SECTION 222. In all cases the work shall be subject to the superintendence and direction of the board of public works; and no contractor shall be entitled to recover compensation for any work executed by him in any form of action, unless such work shall have been approved by the said board; provided, that the said board may from time to time, as the work progresses, at their discretion, grant to any contractor for a sewer an estimate of the amount and proportionate value of the work already done, withholding in all cases twenty-five per cent. of said estimate, which shall entitle the holder to receive the amount thereof, less such twenty-five per cent. from the proper fund.

May grant estimates to contractor.

Water, gas, service pipes and house drains to be laid.

SECTION 223. Whenever the common council shall order the paving or repairing of any street in the city in which water, gas mains and sewers or either of them, shall have been previously laid and constructed, they may also, by resolution, require the board of public works to cause water and gas service pipes and house drains to be first laid in such a street at the cost of the property fronting on such street from the main sewer, water and gas mains in such street to the curb line on either side of the street at intervals not less than twenty feet along the whole length of such paved street, except at street and alley crossings, and the board of public works shall thereupon give notice to the owners or occupants of the property adjoining such paved street, by publication thereof for six days in the official papers, requiring them to do such work opposite their respective lots according to a plan and specification to be before prepared and on file in the office of said board, showing the location and size and the kind and quality of material of such lat-

Notice to occupants.

al sewers or drains, and water and gas service pes, and if such owners or occupants shall refuse neglect to do the same, before the paving or prearing of said street so ordered, and within ten days fter the publication of such notice the said board ay procure the same to be done, and charge and ssess the expense thereof, to the lots or parts of ts fronting upon such work in the manner proided in and by section 19, of chapter 7, of this ct; and the same shall be levied and collected as ther special assessments are levied and collected n said city; provided, that no street shall be paved r repaved by order of the common council, unless he water and gas mains and service pipes, and necessary sewers and their connections shall, as required by the common council, be first laid and constructed in that portion of such street so to be paved or repaved.

Expense, how charged—see sec. 19.

SECTION 224. It shall be the duty of the said board to see that proper drains and sewers are constructed from every lot in said city, which in their judgment requires it; and that such private drains or sewers are made to communicate with the public sewers in a proper manner; and they shall have power to require such number of private drains and sewers to be constructed as they may deem expedient.

Drains and sewers to be constructed.

SECTION 225. The said board shall describe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into the public sewers, and shall determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board, and shall be executed strictly in compliance with their orders; but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewer shall be constructed.

Construction of.

SECTION 226. The said board shall have at their office, ready for the examination of the parties interested, the specifications of any private drains or sewers so ordered to be constructed, and they shall give to the lot owners six days' notice in the official papers to construct the same, designating therein a reasonable time within which

Specifications to be kept by board.

the work shall be completed; and in case any lot owner neglects to do the work required of him to be done, within the time specified in said notice, they shall advertise for proposals and let the same by contract; and at the completion of the contract, shall give to the contractor a certificate or certificates, against such lot or lots which shall be proceeded with and shall have the like effect as other certificates given for work chargeable to lots.

May enter on premises.

SECTION 227. Any person who has taken such contract from said board to construct a private drain or sewer from any lot shall be authorized to enter upon such lot and construct thereon such drain or sewer and shall have free ingress and egress upon the same with men for that purpose, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work.

Permit required to connect private drains.

SECTION 228. No private drain shall be connected with any public sewer without the said board first issuing their permit for such connection; and there shall be paid for such permit into the general fund of the sewerage district, by the owner of any lot from which a private drain is let into a public sewer, an amount to be fixed by said board proportioned to the size of such private drain, but not less than two and one-half and not more than five dollars for every drain from any lot or parcel of a lot; and in case such amount is not paid it shall be a lien upon such lot, and collected as the other special assessments, and shall be collected as other taxes on real estate are collected; provided, that no charge shall be made for the permit herein referred to, when the connection for which it is used is made before the sewer is finished in front of the premises to be connected.

Amount to be fixed.

Lien.

Connections—with public sewer—permit.

SECTION 229. No person is required to make connection until building, and no person shall break open or make connections with any public sewer, except by the consent and under the direction of the board of public works, and any person who shall do so, or who shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purposes of sewerage shall be

deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five thousand dollars, or imprisoned in the county jail not to exceed three months.

May lay sewer through alleys, streets, etc., when.

SECTION 230. Any contractor or other person acting under the direction of the board of public works may lay sewers in and through any alleys and streets of said city and through any breakwater into any lake, and also in any highways of the county, whether within the limits of said city or not; provided, that it shall be the duty of such contractor to repair such streets, alleys, breakwaters and highways and to restore the same to the former condition upon the completion of such sewers.

Diagrams, when conclusive proof.

SECTION 231. Either of the duplicate diagrams filed as the final determination for a plan of sewerage for any district after the expiration of nine months from the date of such filing, shall be conclusive proof of the regularity of such proceedings to establish the plan of sewerage, shown on such diagram, and the regularity and legality of the proceedings to establish such plan of sewerage, shall not thereafter be called in question in any court.

Plan not to be changed except by vote of council. Ordidance for—publication of.

SECTION 232. When a plan of sewerage has been finally determined upon, it shall not be changed, except by a vote of three-fourths of all the members of the common council, in favor of the same. Such change shall be by ordinance passed at a regular meeting after the same shall have been published, at least once in each week for two successive weeks in the official paper of the city.

Diagrams of, to be filed.

SECTION 233. When such change shall have been determined upon duplicate diagrams shall be prepared, certified and filed as before showing the plan of sewerage as changed, and after nine months from the date of such filing, the said duplicate shall be conclusive proof of the regularity and legality of the proceedings to establish such plan; any change rendering useless any existing sewer the expense of change shall be paid by the general fund.

Notice of letting of contract.

SECTION 234. Whenever a contract shall have been let for the construction of any sewer, and the amounts have been determined that are chargeable to the lots or parcels of land abutting

on the street or alley through which said sewer is to be constructed, if the common council deems it for the best interest of the property owners affected by the special assessment for the construction of said sewer, may cause a notice to be published in the official paper of the city once in each week for six successive weeks substantially in the following form:

IMPROVEMENT BONDS FOR SEWERAGE ASSESSMENTS.

Form of.

Notice is hereby given that a contract has been let for the construction of a sewer as follows: (Describe the street or alley) that a statement showing the amount of the special assessment chargeable to the lots and parcels of real estate abutting on the street (or alley) through which said sewer is to be constructed, is now on file with the city clerk. That all parties who desire to pay the special assessment on presentation of the proper certificate are required to file their notice to that effect with the said clerk before the expiration of thirty days from the date of this notice; that the city will issue its per cent. semi-annual interest coupon bonds for an amount sufficient to cover the special assessments which the parties owning the property do not elect to pay on the presentation of the certificates in the manner stated; that said bonds will be a charge upon the particular lots only against which said special assessments are claimed.

Dated the —— day of ——, 18—.

—— ——, City clerk of the city of ——.

Sewerage bonds.

SECTION 235. The city council shall have power to issue its coupon bonds for an amount sufficient to cover all special assessments which the parties do not elect to pay in accordance with said notice. Said bonds shall be payable at the option of the city after five years from the date of their issue, and absolutely within seven years from said date; they shall bear interest at a rate not exceeding six per cent. per annum, shall specify on their face that they are sewerage bonds and chargeable only to the particular lots and parcels of land described therein, and such other provisions as the council may think proper to insert. The bonds shall be signed by the mayor and clerk and be sealed by the official seal of the city.

SECTION 236. Said bonds may be sold by the common council at not less than par value, and the proceeds paid to the sewerage contractor, or the contract may provide that the contractor shall take the bonds as a payment on his contract at their par value, with accrued interest. May be sold.

SECTION 237. The city shall pay the principal and interest on said bonds as they fall due and shall reimburse itself by a tax on the particular lots mentioned in said bonds in the following manner: Payment of.

SECTION 238. The city clerk shall in each year for five years succeeding the issue of said bonds enter in the tax roll as a special tax upon each of the parcels of land mentioned in said bonds, one-fifth of the special assessment as to each said parcel of land with six per cent. interest on the whole amount of said special assessment on such parcel of land then unpaid. Said tax shall be treated in all respects as any other city tax, and when collected shall be credited to the sewerage fund of said city. Tax to be levied to pay.

SECTION 239. After the issue of said bonds no action shall be brought or maintained in any of the courts of this state to avoid the tax mentioned in the foregoing section. No action brought to avoid tax.

CHAPTER XXI.

HARBORS AND BRIDGES.

SECTION 240. In every city governed by this act, where there shall be any occasion for harbors or bridges, or either, the board of public works, under the direction of the common council, shall have charge of the construction, repair and maintenance of such harbors and bridges, or either. Harbors and bridges.

SECTION 241. The common council shall have power to determine, by ordinance or resolution, the location of all harbors or bridges, and the manner of their construction, and by ordinance to adopt, fix and change, from time to time, dock lines along the water fronts within the boundaries of such city, conforming as near as practicable to the original meander lines and survey thereof, and to require the riparian owners to build and maintain docks for the protection of the banks of such stream; and upon the failure of such own- Location and construction.

ers to perform such work as directed, the board of public works may cause such work to be done, and the expense therefor charged to the abutting lot or lots. The mode of proceeding shall be similar to proceedings as in the case of building sidewalks.

Construction and repair of harbor, dock, wharf, bridge, etc.

SECTION 242. Whenever the common council shall, by resolution, declare it to be necessary to construct or repair any harbor, dock, wharf, breakwater, channel or bridge, it shall be the duty of the board of public works to prepare an estimate of the cost of such work and file it with the city clerk, who shall submit the same to the common council; thereupon the common council may, by resolution, direct the work to be done. It shall then be the duty of the board of public works to advertise for bids for doing the work and furnishing the material, the same as in the case of work to be done and materials furnished in the construction of streets, and they may receive bids and award contracts to the lowest bidder or bidders in the same manner as in the construction of streets. The work contracted to be done when finished, shall be accepted by the board of public works before final payment shall be made to the contractor or contractors. The contract may provide for the payment of not more than eighty per cent. of the cost of the work, upon estimates of the city engineer or city surveyor, as the work proceeds, and at least twenty per cent. of the cost of the work shall be retained until the work shall have been accepted by the board of public works.

Board of public works to have charge of.

Separate account to be kept; bridge account; harbor account.

SECTION 243. In all cities where harbors or bridges, or either, shall be or shall have been constructed, or where any contract for the construction, repair or maintenance of such harbors or bridges, or either, shall have been made, it shall be the duty of the city treasurer to open and keep a separate account of the receipts and disbursements on account of bridges, and another if need be, on account of harbors, docks, wharfs and the like, to be called respectively, "bridge account" and "harbor account;" and where such bridges or harbors, or either, are required, it shall be the duty of the common council to make annual estimates of the money necessary to be raised for such work and the maintenance and repair of

the same, and to provide, by taxation or loan, the necessary funds for the same as in the case of other public works. The bridge account and the harbor account shall each be one of the accounts of the general fund, but moneys raised on account of either shall not be applied, nor be deemed applicable to the payment of any other expense or expenses, nor shall the same or any portion thereof be credited to any other account, unless a resolution for that purpose shall be passed by the common council by a majority of two-thirds of all the members thereof, and approved by the comptroller and commissioners of the public debt, if any, or a majority of said commissioners. What to specify.

SECTION 244. No special assessments for benefits shall be made on account of any bridge, harbor, dock or wharf, or any such like improvement, except as herein otherwise provided, unless the owners of property benefited thereby shall consent, in advance, to the levying of such assessments to the amount thereof as provided in the next section. Assessments for benefits, when made.

SECTION 245. Whenever the owners of land benefited by any proposed bridge, harbor, dock or wharf, shall by petition to the common council, pray for the construction thereof and shall, in and by the terms of such petition, consent that their land, describing it, shall be assessed for benefits by reason of such improvement (the percentage on the assessed valuation of such land, to be so assessed, being designated in said petition) if the improvement prayed for be made and accepted within the time designated in such petition, it shall then be the duty of the city comptroller to prepare a statement of assessments made pursuant to the consent obtained in such petition, and report the same to the city clerk, and the city clerk shall thereupon levy said assessments as special taxes, upon the lands designated in said statement, in a separate column in the city tax roll for the current year, and such taxes shall be collected and paid into the city treasury and credited to the account of the proper fund the same as other taxes. Petition for construction of bridge, harbor, etc. Assessments, etc.

SECTION 246. In cases where it should be urgently necessary, for the preservation of property, to make any repairs upon any bridge, dock or wharf, not to exceed two hundred dollars in ex- Repairs may be made.

pense, it shall be the duty of the board of public works, with the consent of the mayor and comptroller, to make such repairs without the intervention of a contract, and report the same as soon as may be to the common council, whereupon it shall be the duty of the common council to make provision, by taxation or loan or by appropriation of funds available for that purpose to meet the expense of such repairs.

Improvement of harbor.

SECTION 247. Whenever it shall be necessary for the construction or maintenance of a harbor, that any lake, bay, slough, pond, river or creek shall be dredged or otherwise deepened, the board of public works, by direction of the common council, may let contracts for such dredging to the lowest bidder, the same as in the case of other public works, or the city may purchase and maintain for its use the necessary dredges and other apparatus for such work, and may provide funds for the purchase, use and maintenance of such dredges and other apparatus by appropriations made from the general fund, to be charged to the harbor account; the money for that purpose to be raised by taxation or loan, as other moneys in the general fund are raised, and the board of public works, under the direction of the common council, shall have the control and management of such dredges and other apparatus, and shall employ such men and purchase such supplies as may be necessary in the management thereof, and the men so employed shall be paid, and the supplies so procured shall be paid for, upon certificates of the board of public works countersigned by the comptroller, out of the general fund and charged to the harbor account.

Certificates to be issued by board.

Wall or dock break water may be constructed to protect lands.

SECTION 248. In case it shall be necessary to protect any land from being washed away by any lake, river or other water, the common council may, by ordinance, provide for the protection of such land by a wall or dock breakwater, to be constructed as the common council may prescribe, and the council may in such case direct the board of public works to make an assessment of the benefits accruing to the land so protected, and other lands benefited thereby. The boundaries of assessment districts shall be fixed and determined by the common council. The cost of such protec-

tions shall be raised as follows: One-half thereof, or such lesser proportion as the common council shall direct and order, shall be paid out of the contingent fund or out of a special fund to be raised for the purpose, and the balance shall be levied and raised by the assessment of special benefits upon the real estate within the boundaries of the proper assessment district. The entire cost of protecting public grounds and the ends of streets shall be borne by the city. Such assessments shall be made, corrected, reported to the common council and confirmed by the common council the same as assessments for other public works, and certificates or improvement bonds may be issued thereon in the same manner and with like effect as in the case of other public works. An appeal to the circuit court may be taken from any such assessment upon like notice and security within the same time and with like effect as in the case of other public works, and like proceedings shall be had thereon.

Cost, how borne.

Appeal.

CHAPTER XXII.

MISCELLANEOUS.

SECTION 249. No member of the common council shall, during the term for which he is elected, be eligible to any other municipal office, except the office of mayor, existing at the time of his election, or created by the common council.

Eligibility to office.

SECTION 250. The adoption of this act by any city now organized, shall repeal the existing charter provisions of such city, except as to the special charter provisions relating to time, manner, sale and place of sale of intoxicating liquors, or the amount of license fee now exacted; and except such acts or parts of acts as are specially retained by the provisions of this act.

To repeal existing charter, except special provisions relating to license.

SECTION 251. The adoption of this act by any city, shall not be deemed to repeal or modify chapter 350, of the laws of 1887, entitled, "an act to amend chapter 5, of the revised statutes of Wisconsin, in the year A. D. 1887, entitled, "of electors and general elections," and relating to elections in cities having a population of fifty thousand and over; nor chapter 378 of the laws of 1885, entitled

Not to repeal or modify certain acts relating to elections, etc.

"an act in relation to the police force and fire department of the city of Milwaukee," nor any act or part of an act limiting the amount of the public debt of any city or its proportion to the taxable property thereof; or the amount or rate of taxation in any city; but said act and such provisions shall remain in force in the cities to which they relate and to which they are applicable the same as if this act had not been passed or had not been adopted by such city or cities.

Inhabitants not disqualified to act as judge, etc.

SECTION 252. No person shall be incompetent to act as judge, justice of the peace, witness or juror, by reason of his being an inhabitant of any city, in any action or proceeding in which the city shall be a party in interest.

General laws to be in force.

SECTION 253. The general laws of the state for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads and bridges, the punishment of offenders, the collection of penalties, and the manner of conducting elections, shall be in force in all cities organized under the provisions of this act, except as otherwise herein provided.

Bribery, misdemeanors and corruption in office.

SECTION 254. The general laws of the state of Wisconsin, for the punishment of bribery, misdemeanors and corruption in office, shall be in force and shall apply to all officers elected or appointed under the provisions of this act.

City officials not to be interested in contracts of city or accepted as surety.

SECTION 255. No city official shall be interested, directly or indirectly, in any contract to which the city is a party, and whenever it shall appear that such is the case, such contract shall be absolutely void and the city incur no liability thereon whatever. No city officers shall be accepted as surety on any bond, contract or other obligation made to the city.

Property not liable to sale on execution, etc., in city, nor any person or corporation held liable as garnishee.

SECTION 256. No real or personal property of any inhabitant of a city, or of any corporation thereof, shall be levied on or sold by virtue of an attachment or execution issued to satisfy any contract debt or obligation of said city, or for any judgment against said city; nor shall any person or corporation be held liable as garnishee of said city.

Forms prescribed by revised statutes to be used.

SECTION 257. The use of any forms prescribed by the revised statutes of the state, and acts amendatory thereof, as far as the same are ap-

plicable, shall be as legal and of the same force and effect, as the use of the forms prescribed by this act.

SECTION 258. In case any person shall present his claim or demand against any city organized under the provisions of this act, and the common council of such city shall disallow such claim in whole or in part, the common council shall not again consider or allow such claim.

Claim disallowed not to be reconsidered.

SECTION 259. The city marshal shall be known as such, or as captain or chief of police, in the discretion of the common council; and he shall have command of the police force of the city under the direction of the mayor.

City marshals, how designated, powers.

SECTION 260. The opinions of the city attorney shall be filed with the city clerk and recorded in a book to be kept for that purpose.

Opinions of city attorney to be filed with clerk.

SECTION 261. The city clerk shall keep a book to be known as an "ordinance book," in which he shall enter at length, in a plain and distinct handwriting, every ordinance adopted by the common council immediately after its passage, and shall append thereto a note giving the date of its passage, and page of the journal containing the record of the final vote upon its passage, and also the name of the newspaper in which said ordinance was published, and the date of such publication, together with proof of publication; the ordinance may be proved by the certificate of the clerk, under seal of the city, and when printed or published in pamphlet form, and purporting to be published by the authority of the city, shall be read and received in all courts and places as evidence of their adoption.

Clerk to keep ordinance book.

SECTION 262. No compensation or salary shall be paid to the mayor except in cities of the first class, or to any alderman or school commissioner of any cities organized under this act.

Salary of mayor.

SECTION 263. Whenever a city or village shall be incorporated under the provisions of this act, the ordinances in force in such city or village at the time of such incorporation shall continue to be in force and be the ordinances of such new incorporation, so far as the same are not inconsistent with the provisions of this act, until amended, altered or repealed.

Ordinances not affected.

SECTION 264 In case of the failure to prescribe the duties of any officer elected or appointed un-

Revised statutes relative to duty of officers, when to apply.

der the provisions of this act, the provisions of the revised statutes and acts amendatory thereof as far as the same are applicable, shall be deemed and taken to be the guide in determining the duties of such officer.

Rewards may be offered.

SECTION 265. When any heinous offense or crime has been committed against life or property within any such city, the mayor, with the consent of a majority of the aldermen, may offer a reward for the apprehension of such criminal or perpetrator of such offense.

All property liable for improvements except that of U. S. and state.

SECTION 266. No lot or parcel of land in any city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks upon which such lots or parcels of lands may border, excepting only property belonging to the United States or the state of Wisconsin.

To apply to all cities issuing bonds for special assessments.

SECTION 267. All cities heretofore organized and now existing under any special law of this state, shall have authority to exercise all the powers contained in this act relating to the issuing of improvement bonds, to pay for special assessments made on account of the construction of sewers or improvements to streets.

Meeting of council.

SECTION 268. The common council of each city shall meet on or before the second Tuesday of April in each year and proceed to canvass and declare the result of the annual municipal election.

SECTION 269. This act shall take effect and be in force from and after the passage and publication.

Approved April 8, 1889.

[No. 519, A.] [Published April 11, 1889.]

CHAPTER 327.

AN ACT to amend the charter of the city of Port Washington.

(See Vol. 2.)

[No. 527, A.] [Published April 11, 1889.]

CHAPTER 328.

AN ACT to amend section 1987, of chapter 90, of the revised statutes of 1878, relating to paid fire departments in cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending section 1987, R. S.

SECTION 1. Section 1987, of the revised statutes of 1878, is hereby amended by striking out the word, "twenty," in the thirteenth line of said section, and inserting the word, "fifty" in lieu thereof, so that said section as amended, will read as follows: Section 1987. The members of the paid fire department of any city, now or hereafter organized, are constituted a body corporate in such city, under the name of the Firemen Relief Association of the city of ———, for the purposes of giving relief to its sick and disabled members and their families; and in case any member of any such association shall cease to act with the fire department of which he has been a member, he shall continue to enjoy all the advantages and benefits of the association so long as he complies with the rules, regulations and by-laws of the same, and pays his dues; and every such association shall have all the usual powers of a corporation necessary and proper for the purpose of its organization, and may take by gift, grant, purchase or otherwise, real and personal estate not exceeding fifty thousand dollars in value, and hold, enjoy, lease, convey and dispose of the same subject to the by-laws and regulations of such corporation; and such property shall be devoted solely to the purposes of, and objects of such corporation.

Increasing amount of property which Firemen's Relief Association may hold.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1889.

[No. 341, S.] [Published April 11, 1889.]

CHAPTER 329.

AN ACT to amend section 4, of chapter 169, of the laws of Wisconsin for the year 1887, entitled, "An act to provide for the drainage and reclamation of certain lands in Racine and Waukesha counties."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending section 4, chapter 169, laws 1887.

SECTION 1. Section 4, of chapter 169, of the laws of 1887, is hereby amended by adding at the end of said section the following, to-wit: "If during the pendency of any such proceedings it is discovered that lands described in the report of the commissioners are set down to the wrong person, or if notice of the filing of such report has been served on the wrong person, then, and in either such case, the commissioners may apply to the court for leave to amend their said report by inserting the name of the true owner, or for leave to serve the notice of the filing of said report on the true owner, as necessity may require. Upon filing such application, if it appears that lands described in said report are set down to the wrong person, the court shall make and enter an order fixing a time and place of hearing on said application, and requiring that notice thereof be given to the person or persons alleged to be the true owners, by personal service upon them of a copy of such order, if they reside in a county where such proceedings are had, and if they reside without the county by mailing a copy of such order to such person, securely enclosed in a post paid wrapper and addressed to him at his proper post-office address, at least ten days before the time of such hearing. If the person so notified offers no objection, or if on such hearing it appears to the court that the person whose name it is sought to insert in said report is the true owner of such lands, the court shall order that said amendment be made accordingly, and such person shall have notice of the filing of such report in the same manner as though his name

Amending petition and making service, duty of commissioners.

appeared in the report of the commissioners as originally filed. If from application so made it appears that notice of the filing of said report has been served on the wrong person, then and in such case the court shall make and enter an order requiring notice of the filing of said report to be given to such persons in the same manner as upon the filing of the original report," so that said section, when amended, shall read as follows:

Notice of filing.

Section 4. Upon the filing of such report, notice of such filing shall be personally served on each person whose name is mentioned in the report as owner of the land or other property affected or charged by assessments in said report, and the amount thereof, in case such owner shall be a resident of the county wherein said work is to be performed, and by publication by the clerk of the court in one or more newspapers published in said county, as the court shall direct, for three weeks following each filing, after the expiration of which time and the service of notices as aforesaid, twenty days shall be allowed for any owner of any of such lands or other person or corporation affected by the work proposed to remonstrate against the whole or any part of such proposed work. Such remonstrances shall be verified by affidavit, and shall set forth the causes, whether legal or jurisdictional objections, or that any lands are assessed too high or too low, or improperly, or that lands are assessed which ought not to be, or that lands should be, assessed which are not assessed, or by any person to whom damages are awarded, that they are inadequate, or by any person or municipality, that the public will not be benefited by the work proposed. The court or presiding judge may fix a time at any term, or appoint a special time for hearing the objections, and, on the demand of any person assessed for benefits or awarded damages, may frame an issue in said matter and impanel a jury and take the verdict of the jury upon the trial of such issue, whether the amount of damages which will be a just compensation therefor, and whether the assessment of benefits, as made by the report to any remonstrant commanding the review by a jury, is too high, and the jury may assess the same. If the court or presiding judge finds from a hearing duly had,

that the report requires modification, the same may be referred to the commissioners who may be required to modify their report in any respect. In any case between the commissioners and any remonstrant the court may award and apportion the costs as the justice of the case may demand, and costs awarded against the commissioners shall be paid out of the fund realized from the assessments made. If the finding of the court or presiding judge be in favor of the validity of the proceedings, the court, after the report shall have been modified to conform to the findings, or if there be no remonstrances, shall confirm the same, and the order of confirmation shall be final and conclusive, and the proposed work be established and authorized, and the proposed assessment approved, subject to the right of appeal to the supreme court as in other actions. If lands not described in the original petition are included in the report and assessments or awards of damages made thereon, the court or presiding judge shall direct the owners thereof to be notified and prescribe the manner of such notice and allow the owner to be heard as a remonstrant. as herein provided. If, however, a majority of the owners of the land to be charged with the expense of the proposed improvement shall join in a remonstrance in opposition to the system of drainage described in the petition and report of the commissioners, the court shall thereupon dismiss said proceedings, and the original petitioners shall pay the costs of the clerk of the court. If during the pendency of any such proceedings it is discovered that lands described in the report of the commissioners are set down to the wrong person, or if notice of the filing of such report has been served on the wrong person, then, and in either such case, the commissioners may apply to the court for leave to amend their said report by inserting the name of the true owner or for leave to serve the notice of the filing of said report on the true owner, as necessity may require. Upon filing such application if it appears that lands described in said report are set down to the wrong person, the court shall make and enter an order fixing a time and place of hearing on said application, and requiring that notice thereof be given to the person or persons

Amending petition.

alleged to be the true owners, by personal service upon them of a copy of such order if they reside in a county where such proceedings are had, and if they reside without the county by mailing a copy of such order to such person securely enclosed in a post-paid wrapper, and addressed to him at his proper post-office address, at least ten days before the time of such hearing. If the person so notified offers no objection, or if on such hearing it appears to the court that the person whose name it is sought to insert in said report is the true owner of such lands, the court shall order that said amendment be made accordingly, and such person shall have notice of the filing of such report in the same manner as though his name appeared in the report of the commissioners as originally filed. If from application so made it appears that notice of the filing of said report has been served on the wrong person, then and in such case the court shall make and enter an order requiring notice of the filing of said report to be given to such persons in the same manner as upon the filing of the original report.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1889.

[No. 370, S.] [Published April 12, 1889.]

CHAPTER 330.

AN ACT relating to the maintenance and care of the chronic insane in counties having a population of more than one hundred thousand, and an asylum therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The trustees of any asylum for the treatment and maintenance of the chronic insane of any county having a population of more than one hundred thousand, shall continue in office

Care of chronic insane in counties of more than 100,000.

Trustees.

until the expiration of their respective terms, and the appointment or election of all such trustees heretofore made is hereby ratified, legalized and confirmed, and the several acts of the said trustees are hereby declared to have full force of law.

Governor to appoint.

SECTION 2. The governor of the state of Wisconsin is hereby empowered and directed upon the passage and publication of this act to appoint two persons, residents and electors of such county, and not members of the board of supervisors thereof, as trustees of the said asylum for the chronic insane of such county, whose terms of office shall commence at the time of such appointment, and shall expire three and four years respectively, from the first Tuesday of November, 1889, and the three trustees now acting and the two trustees so appointed shall comprise the board of trustees for the county asylum for the chronic insane of such county, and shall have and exercise all the powers now provided by law for trustees of such asylums for the care and maintenance of the chronic insane in other counties of the state, and shall be subject to such laws. And the governor shall have power by appointment to fill all vacancies for the unexpired term of any trustee appointed by him, and like power is hereby conferred upon the county board of supervisors of such county, at any regular or special meeting, to fill any vacancy of the other trustees. The governor is hereby empowered and directed to appoint, on the first Tuesday of November, 1889, and at said time in alternate years thereafter, a trustee of said asylum for the term of five years. Such trustee shall be a resident and elector of such county, and not a member of the board of supervisors thereof; and the county board of supervisors of such county shall at its annual meeting in the year 1890, and each alternate year thereafter, elect a trustee who shall be a resident and an elector of such county and not a member of said board of supervisors, for the term of five years. And the said trustees shall exercise and be subject to all of the laws of the state relating to trustees of such county asylums for the care and maintenance of the chronic insane in county asylums.

May fill vacancies.

Terms of office.

Qualifications.

Compensation to be fixed by county board.

SECTION 3. Such trustees shall receive such compensation as the county board of such county

may determine not exceeding the sum of five hundred dollars per annum.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1889.

[No. 244, A.] [Published April 13, 1889.]

CHAPTER 331.

AN ACT to amend an act entitled, "An act to incorporate the Wisconsin Bridge Company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending chapter 65, P. and L. laws 1849, and acts amendatory thereof.

SECTION 1. Section 6, of chapter 65, of the private and local laws of 1849, as amended by chapter 475, of the private and local laws of 1870, and by chapter 10, of the general laws of 1879, is hereby amended so as to read as follows: Section 6. The said company shall have power for the term of sixty years from and after the completion of the bridge, to demand and collect toll for passing the same as follows: For any vehicle drawn by two horses, mules or oxen, twenty-five cents; for any vehicle drawn by one horse or mule, fifteen cents; and for each additional horse, mule or ox, five cents; for foot passengers three cents; for a single horse or mule, five cents; for all animals in droves, five cents each; provided, that hogs and sheep shall not be charged more than one cent per head; and whoever shall ride or drive faster than a walk upon said bridge, erected by said Wisconsin Bridge Company, shall forfeit to the owners of said bridge, or whoever shall be in possession of said bridge at the time, for every such offense the sum of five dollars; and any person or persons who shall pass over said bridge either on foot or with any vehicle, or animal, and shall refuse to pay the toll authorized to be collected by this act, or shall fraudulently endeavor to evade the payment of said tolls, or shall commit any malicious injury to

Wisconsin Bridge Company, powers, etc.

said bridge, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five dollars, nor more than twenty-five dollars; and such person or persons shall also be deemed trespassers, and shall be liable to the owner or owners of such bridge in double the amount of injury done to such bridge, the same to be collected before any court having competent jurisdiction, and every justice of the peace in the counties of Columbia, Dane and Sauk shall have concurrent jurisdiction with the circuit court of all the offenses mentioned in this act and in all cases for the recovery of damages under this act where the damages claimed shall not exceed two hundred dollars, and the officer to whom any writ, warrant or process issued to enforce the provisions of this act shall have power to serve and execute the same in any county in this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1889.

[No. 460, A.] [Published April 12, 1889.]

CHAPTER 332.

AN ACT to incorporate the city of New Lisbon.

(See Vol. 2.)

[No. 133, A.] [Published April 12, 1889.]

CHAPTER 333.

AN ACT to amend section 3315, of the revised statutes, entitled, "Of liens as amended by chapter 312, of the laws of 1885, and chapter 535, of the laws of 1887."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending section 3315, R. S.

SECTION 1. Section 3315, of the revised statutes is hereby amended so that said section when amended shall read as follows: Every person who, as sub-contractor of a principal contractor, or employee of any contractor or sub-contractor, performs any work or labor for, or furnishes any materials to a principal contractor or sub-contractor, in any of the cases mentioned in the preceding section, shall be entitled to the lien and remedy given by this chapter, if within sixty days after performing such work or labor, or furnishing such materials, he shall give notice in writing to the owner or his agent, of the property to be affected by such lien, setting forth that he has been employed by such principal contractor or sub-contractor to perform or furnish, and has performed or furnished such work, labor or material, with a statement of the labor performed or materials furnished, and the amount due therefor from such principal contractor, or sub-contractor, and that he claims the lien given by this chapter. In all cases where a lien shall be filed under the provisions of this chapter, by any person other than the principal contractor it shall be the duty of the principal contractor to defend any action brought thereupon at his own expense, and, during the pendency of such action, the owner may withhold from the contractor the amount of money for which such lien shall be filed; and in case of judgment against the owner or his property upon the lien, he shall be entitled to deduct from any amount due by him to the contractor the amount of such judgment and costs, and if he shall have settled with the contractor in full, shall be entitled to recover back

Lien of sub-contractors.

Notice to owner or agent within sixty days.

Principal contractor to defend action.

Owner to deduct amount of judgment or recover back amount paid from contractor.

from the principal contractor any amount so paid by the owner, for which the principal contractor was originally liable. And any contractor or sub-contractor who shall purchase materials on credit, and represent at the time of purchase, that the same are to be used in a designated building or other improvement, and shall thereafter use or cause to be used the said material in the construction of any building or improvement other than that designated, without the written consent of the person from whom the materials were purchased, with intent to defraud such person, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by imprisonment in the county jail not more than three months, or by a fine not exceeding three hundred dollars.

Liability of contractors for wrongful use of materials.

Repealed.

SECTION 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved April 9, 1889.

[No. 395, A.] [Published April 12, 1889.]

CHAPTER 334.

AN ACT to require all so called "fraternal assessment insurance corporations" to report to, and be under the jurisdiction of the insurance commissioner.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fraternal, secret and benevolent orders doing business on assessment plan to report to insurance commissioner.

SECTION 1. Every insurance association doing business in this state, as an association declared by law to be fraternal and not an insurance corporation, shall annually, on or before the first day of March in each year, report to the insurance commissioner the location of its principal office in this state, and the names and addresses of its president, secretary and treasurer or other officers answering thereto; and shall make such

further statement of its membership and financial transactions for the year ending on the preceding thirty-first day of December, with such other information relating thereto as said commissioner may deem necessary to a proper exhibit of its business and standing; and the commissioner may at other times require any further statements that he may deem necessary to be made, regarding any such association and such association other than those of Wisconsin, shall also appoint, in writing, the commissioner of insurance as his successor in office to be its true and lawful attorney upon whom all legal process in any action or proceeding against it may be served; and in such writing shall agree that any legal process against it which is served on said attorney, shall be of the same legal force and validity as if served on the corporation, and that the authority shall continue in force and validity as if served on the corporation, and that the authority shall continue in force so long as there is any liability outstanding against the association, in this state, in the same manner as other insurance corporations are required by the statutes. Any such association failing to make report, when required by the commissioner, shall be excluded from doing business within this state.

Commissioner to act as attorney upon whom process may be served.

Penalty for non-compliance.

SECTION 2. Any officer, agent or person or persons acting for any such association within this state after such association has been prohibited from doing business herein, shall be deemed guilty of an offence, and on conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, or by imprisonment in the county jail not less than thirty days or more than six months, or by both fine and imprisonment in the discretion of the court.

Penalty for doing business after prohibited.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1889.

[No. 394, A.] [Published April 12, 1889.]

CHAPTER 335.

AN ACT to amend subdivision 2, of section 1915, of the revised statutes, relating to insurance corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending subdivision 2, sec. 1915, R. S.

SECTION 1. Subdivision 2, of section 1915, of the revised statutes, is hereby amended to read as follows:

Foreign insurance companies to file statement with commissioner, what to contain.

2. It shall first file a written instrument, duly signed by the president and secretary thereof, with the corporate seal affixed, declaring that it desires to transact the business of insurance in this state, and that it will accept a license therefor according to the laws of this state, which shall cease and terminate in case such corporation shall remove or make application to remove into any court of the United States any action or proceeding commenced in any court of this state, upon a claim or cause of action arising out of any business or transaction done in this state, or in case it shall violate or fail to comply with any provision of law applicable to such corporation, or in case its capital shall be impaired to the extent of twenty per cent., and shall not be made good within such time as the commissioner of insurance shall require, if the commissioner of insurance shall, in either case declare its license revoked therefor. Such corporations shall also appoint, in writing, the commissioner of insurance or his successors in office to be its true and lawful attorney upon whom all legal process in any action or proceeding against it may be served; and in such writing shall agree that any legal process against it which is served on said attorney, shall be of the same legal force and validity as if served on the corporation, and that the authority shall continue in force so long as there is any liability outstanding against the corporation, in this state. A copy of the writing, duly certified, shall be filed in the office of the commissioner, and copies certified by him shall be deemed sufficient evidence thereof.

To appoint commissioner its attorney upon whom process may be served.

Service upon such attorney shall be deemed sufficient service for all purposes upon the principal. When legal process against any such corporation is served upon the commissioner, he shall immediately notify the corporation of such service, by letter, prepaid and directed to its secretary, or, in case of a corporation of a foreign country, the resident manager, if any, in this country; and shall, within two days after such service, forward in the same manner a copy of the process served on him to such secretary or manager, or to any person previously designated by the corporation in writing. The plaintiff, for each process so served, shall pay to the commissioner, at the time of such service a fee of two dollars, which shall be recovered by him as a part of the taxable costs if he prevails in the suit. The commissioner shall keep a record of all process served on him, which record shall show the day and hour when such service was so made.

When process served on to notify company.

Fee of commissioner.

To keep record of process served.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1889.

[No. 109, A.] [Published April 12, 1889.]

CHAPTER 336.

AN ACT to amend section 7, of chapter 464, of the laws of 1885, entitled "an act relating to elections. and the counting and preservation of ballots."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 7, of chapter 464, of the laws of 1885, is hereby amended by adding to the end thereof the following words, to-wit: "Provided, that, if the office of county clerk is in dispute in said proceeding, and the occupant of said office be a candidate for re-election, he shall not act as one of the canvassers on such recount, but his place shall be filled by any reputable citizen and

Amending sec. 7, ch. 464.

When county clerk not to act as commissioner on recount. Place how filled.

elector of such county, who is not a candidate for office at such election, who shall be selected by the other two members of such board of canvassers."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1889.

[No. 402, S.] [Published April 11, 1889.]

CHAPTER 337.

AN ACT for the appointment of a register in probate for Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Register in probate, Dodge county.

SECTION 1. The county judge of the county of Dodge may appoint from time to time, subject to removal, a competent person to record the proceedings of the county court of Dodge county, and the person so appointed shall be officially styled and known as "register in probate." Such register in probate shall before entering upon the duties of the office take and subscribe the constitutional oath of office and file the same with the clerk of the circuit court for the county of Dodge, and shall execute to the county of Dodge a bond in the sum of one thousand dollars, with two or more sureties to be approved by said county judge conditioned for the faithful performance of the duties required by law to be performed by such register in probate, which bond with the approval endorsed thereon shall be recorded in the office of the register of deeds of the county of Dodge.

Duties of.

SECTION 2. It shall be the duty of such register in probate, to record all wills admitted to probate by the county court of Dodge county, all letters testamentary, letters of administration, letters of guardianship, orders, judgments and decrees granted or made by such county court, and all proceedings and matters required by law to be

recorded in such county court while sitting in probate, and any oath or affidavit required or authorized by law in proceedings in the county court, for the county of Dodge, may be taken before such register. He shall have the care, custody and preservation of all books, papers and records of such court, subject to the direction of the judge thereof, and whenever any application requiring notice of hearing to be given shall be made to said court such register in probate may order such notices to be given and such order shall have the same effect and force as if made by the court or the judge thereof. Such register in probate may administer oaths and take acknowledgments, and shall certify to copies and transcripts of all the records and files of said county court, sitting in probate, to be used in any other state, and in making such certificate he shall use the seal of said county court and sign himself "Register in Probate for Dodge County," and shall authenticate acknowledgments of all instruments taken by the judge of said court. He shall attend all sittings of said county court, sitting as a court of probate, and shall keep a true and correct record of all doings of said court at each sitting. He shall reside at the county seat of Dodge county, and shall keep his office open at all reasonable hours for the accommodation of the public.

May be revoked

SECTION 3. The appointment of any such register in probate may at any time, in the discretion of the judge of said court, be revoked and annulled by said judge, and whenever for or from any cause a vacancy shall exist in said office of register in probate, such vacancy may be filled by appointment by said county judge.

Salary.

SECTION 4. Such register in probate shall receive an annual salary of six hundred dollars, which shall be paid by the county of Dodge, and the county treasurer of said county shall pay the same quarter-yearly and the same shall be in full compensation for the performance of the duties of such register in probate.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1889.

[No. 30, S.] [Published April 12, 1889.]

CHAPTER 338.

AN ACT to amend section 4589, of the revised statutes, as amended by chapter 116, of the laws of 1887, entitled "an act relating to houses of ill-fame, and amendatory of section 4589, of the revised statutes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 4589, R. S.

SECTION 1. Section 4589, of the revised statutes, as amended by chapter 116, of the laws of 1887, is hereby amended by striking out after the word, "year," in the thirteenth line thereof, the words, "or by fine not exceeding one thousand dollars, nor less than two hundred dollars," and by adding after the word, "months," in the seventeenth line thereof, the words, "and when imprisoned in the county jail, by a fine not exceeding five hundred dollars, nor less than two hundred dollars," so that said section, when so amended, shall read as follows: "Section 1. Section 4589, of chapter 186, of the revised statutes of 1878 is hereby amended to read as follows: Any person who shall keep a house of ill-fame, resorted to for the purpose of prostitution or lewdness, or who shall set up or keep a common bawdy-house or brothel, or who shall knowingly lease or let to another any house or other building, or any room in any house or building, for the purpose of being used as a house of ill-fame, bawdy-house or brothel, or knowing that it will be so used, shall be punished by imprisonment in the state prison not more than three years nor less than one year, or by imprisonment in the county jail not more than one year nor less than six months, and when imprisoned in the county jail, by a fine not exceeding five hundred dollars, nor less than two hundred dollars; and, in either case, if the lessee of any such premises shall have been convicted under this section, such lease shall be void, and thereupon the lessor shall have the like remedy to recover possession of such premises as against a tenant holding over his term.

Penalty for keeping or knowingly leasing premises as a house of ill-fame, etc.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1889.

[No. 75, S.] [Published April 12, 1889.]

CHAPTER 339.

AN ACT to provide for the relief of indigent or needy Union soldiers, sailors and marines, and the indigent or needy wives, widows and minor children of indigent or deceased Union soldiers, sailors and marines.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County boards to levy tax for relief of indigent or needy Union soldiers, sailors and marines and descendents.

SECTION 1. The county boards of supervisors of the several counties of this state are hereby authorized, and it shall be the duty of such boards, to levy, in addition to the taxes now authorized to be levied by law, a tax of one-fifth of one mill upon the taxable property of their respective counties; and if said county boards of supervisors shall, in their judgment, deem said tax of one-fifth of one mill inadequate to raise a fund sufficient to carry out the intent of the provisions of this act, they may in their discretion levy, in addition to said one-fifth of one mill, such a per cent. or sum which, together with the one-fifth of one mill, will not in the aggregate exceed two-fifths of one mill upon the taxable property of their respective counties; the tax determined upon by the board of supervisors to be levied and collected as now provided by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of indigent or needy Union soldiers, sailors and marines, and the indigent or needy wives, widows and minor children of indigent or deceased Union soldiers, sailors and marines, said fund to be disbursed as hereinafter provided.

Names of, to be reported to board.

SECTION 2. It is hereby made the duty of the chairman of the town board of supervisors of each town, the village board of each village, and the common council of each city in this state to make a written report to the county board of their respective counties, on or before the first day of their annual meeting in November in each year, containing a list of the names of all of the resident indigent or needy Union soldiers, sailors and marines, or the indigent or needy wives, widows or minor children of the same, in their respective towns, wards or villages, requiring aid and entitled to relief under the provisions of this law, and the probable amount necessary for that purpose for the ensuing year; and at their November session the county board of supervisors of the several counties shall make such levies as may be necessary to raise the required relief.

County judge to appoint soldiers' relief commission.

SECTION 3. The county judge in each county in this state, shall, on or before the second Monday of December, after such report is made, appoint three persons, residents of such county, at least two of whom shall be honorably discharged Union soldiers; one to serve three years from date of appointment, one to serve two years, and one to serve one year, and each year thereafter one person to serve three years; such persons so appointed, when organized by the selection of one of their number as chairman, and one as secretary, shall be designated and known as "the soldiers' relief commission." The county judge is hereby authorized, and it shall be his duty to fill all vacancies in such commission, and the appointee shall hold for the unexpired term of the former incumbent.

Meeting of commission.

SECTION 4. The soldiers' relief commission shall meet at the office of the county clerk on or before the first Monday of January in each year, and at such other times as may be necessary, and carefully examine the lists of those reported as needing aid, under the provisions of this act, and being satisfied that those so reported are in need of assistance and entitled thereto under the provisions of this act, shall fix the amount to be paid in each case to the person or family. Said commission may also furnish relief to any indigent or needy soldier, sailor or marine, or indigent wife, widow or minor child of the same living within

Duties.

the county, whose name may not be found on said list, whose right to such relief under this act shall be established to the satisfaction of such commission; and a list of all such persons as are there found to be entitled to relief, shall be made out by the secretary of the commission, giving the name, place of residence, and amount to be paid in each case; provided, the amount disbursed shall not exceed the tax collected, and such lists shall be signed by the chairman and secretary of the commission and deposited with the county clerk of the county. Whereupon the county clerk shall issue an order upon the treasurer of the county for the sum disignated in each case and deliver the same to the person entitled thereto, taking receipts therefor. Said commissioner shall also make a detailed report to the county board of supervisors at their annual session, in November, each year, of the amount of money expended, with the names of all persons who have received aid under this act. And provided, further, that when the commission shall deem it better to furnish such relief, in the necessaries of life, or in a different manner from the one provided in this section, then the county clerk shall issue an order to the chairman of the commission, upon the treasurer of the county, for such sum as the commission shall determine upon, to be used in such different manner. The county judge is hereby authorized, and it shall be his duty, to require of the commission a bond, to the proper county by its corporate name, executed by each of its members, with sufficient sureties, to be approved by said judge, in a sum equal to the tax levied in the current year for the purpose named in this act, said bond to be filed with the county clerk.

Report of, to county board.

SECTION 5. The county board of supervisors shall allow the persons composing the commission the same compensation allowed members of the county board, for regular meetings of said commission, and their actual expenses incurred in the performance of their other duties, as defined in this act, on presentation of an itemized statement of the same; provided, however, that there shall not be to exceed four such meetings in any one year.

Compensation of commissioners.

Repeal of ch. 304, laws 1887.

SECTION 6. Chapter 304, of the laws of 1887, is hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1889.

[No. 82, S.] [Published April 11, 1889.]

CHAPTER 340.

AN ACT defining the duty of the secretary of state and the state treasurer in the disbursement of money received from sale of lands therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Swamp lands, proceeds of sales of.

WHEREAS, By an act of congress approved September 28, 1850, entitled, "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," all the swamp and overflowed lands in the state of Wisconsin, then not disposed of by the United States were given to the state for the purpose, as stated in said act, of using the proceeds of sale of such lands to reclaim the same from their swampy condition and their liability to overflow; and

WHEREAS, Congress, by an act prior to the one referred to above, had issued military bounty land warrants to the United States soldiers who participated in the Mexican war, thereby granting the power to the holders of such warrants to locate upon any public lands, thereby conflicting with the act aforesaid; and

WHEREAS, Congress, by an act approved March 2, 1855, entitled, "an act for the relief of purchasers and locaters of swamp and overflowed lands," recognized and corrected the conflict arising from the two acts referred to, by giving the state other government lands to indemnify it for the loss of the swamp and overflowed lands located upon by the holders of said land warrants, from the year 1850 to 1857, thereby showing that the intention

of the grantors was that the state, and through it the particular localities, should be entitled to all such swamp and overflowed lands, or the indemnity therefor; and

WHEREAS, Chapter 537, of the laws of Wisconsin for the year 1865, entitled, "an act to dispose of the swamp and overflowed lands and the proceeds therefrom," which places one-half of the proceeds to the credit of the drainage fund and one-half to the credit of the normal school fund was enacted eight years after the expiration of the time when the indemnity was earned and therefore should not apply to these lands; and

WHEREAS, The act of congress of 1850 explicitly directs that the money derived from the sale of all swamp and overflowed lands shall be used to reclaim the same, as far as necessary, and the agricultural interests of the state is in urgent need of and demands its just dues; therefore

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceeds of sales of certain swamp lands under act of congress March 2, 1855, to be paid into drainage and normal school fund.

SECTION 1. The proceeds of sale of the lands conveyed to the state of Wisconsin, by the United States, pursuant to an act of congress approved March 2, A. D. 1855, entitled, "an act for the relief of purchasers and locators of swamp and overflowed land," as indemnity for swamp and overflowed lands located upon by warrant or scrip from A. D. 1850 to A. D. 1857, shall be paid one-half into the drainage fund of each county entitled thereto, in proportion to the number of acres of swamp and overflowed lands located upon by such warrants or scrip, and the balance of such proceeds shall be paid into the normal school fund.

Secretary of state to issue warrant.

SECTION 2. The secretary of state shall issue his warrant or warrants for the amount due each county, from time to time, upon the state treasurer, who shall pay to such counties the sum of money therein stated.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1889.

[No. 238, A.] [Published April 13, 1889.]

CHAPTER 341.

AN ACT relating to villages incorporated under chapter 40, of the revised statutes, and acts amendatory thereof; and declaring the proper construction of chapter 391, of the laws of 1887.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When villages to act separate and independent of town.

SECTION 1. Until proceedings have been taken under this chapter for the purpose of determining whether any village organized under chapter 40, of the revised statutes, and a town within which such village may be situated, shall be separate and independent municipalities, or shall be united for town purposes, it is hereby declared that all villages which have elected an assessor pursuant to chapter 391, of the laws of 1887, shall be separate and independent from the town; and that all villages which have not elected an assessor pursuant to said chapter shall be deemed to be a part of the town for town purposes, the same as though said chapter 391, of the laws of 1887, had not been enacted.

Special election may be held to determine.

SECTION 2. Whether any village organized under chapter 40, of the revised statutes, shall be an independent municipality from the town in which it is situated shall depend upon the decision of such village and such town, separately made by special elections, to be held in the village and town; and in case the village shall be a separate and independent municipality, as provided in section 1, of this act, then it shall so remain separate and independent until both the town and the village shall, by a majority vote, determine that they shall become united for town purposes; and in case the village shall not be an independent municipality as declared by section 1, of this act, then it shall not become an independent municipality until so determined by a majority vote of both town and village as above provided.

How special election may be had.

SECTION 3. Upon petition of not less than thirty electors, fifteen of whom shall reside within the village and fifteen within the town, ad-

dressed to the president and board of trustees of the village, and the board of supervisors of the town, requesting that special elections be held in such village and town, for the purpose of determining whether they shall thereafter be separate and independent municipalities, or whether they shall unite, as the case may be, such president and board of trustees of the village and the board of supervisors of the town shall, separately, by resolution, fix a time and place for the holding of the special election in such village and town respectively as herein provided, and the clerks of said village and town shall give notice of such special election in their respective municipalities, in the manner provided by law for giving notice of special elections therein. Such special elections shall be conducted by the same officers and in the same manner, and be held open the same length of time as the annual election of officers in the village and town respectively. Printed ballots shall be supplied by the clerks of the town and village respectively, for their separate municipalities, which shall (where the village is at the time of such election a part of the town) read, "for separation" and "against separation;" and, where the village is independent of the town, "for a union" and "against a union." In case the village and town shall each, by a majority vote, at such election determine to unite or separate, as the case may be, they shall thereafter be separate and independent, or shall be united for town purposes in accordance with such determination. If the result of such election held in the village and town respectively, shall be different, then no change in the status of the village shall be made; and not more than one election shall be held by virtue of this chapter during the same year.

Form of ballot and canvass of vote.

SECTION 4. Whenever any village organized under chapter 40, of the revised statutes, shall have been a part of the town for town purposes, and such village and town shall have determined, under the provisions of this chapter to become separate and independent municipalties, and such village and town have prior to such separation, owned property jointly and together, such joint property shall be divided

Joint property, how divided between town and village on separation.

between said village and town in proportion to the equalized valuation of the property of said village and town, as fixed and determined by the county board of supervisors of the county in which they are situated, being the last equalization made by said county board previous to such separation; and in making such division, if the property held is real estate situated within either the village or town, then such real estate shall belong to the municipality in which it is situated; and such municipality shall pay to the other its proportion of the value thereof; and in case the authorities of said village and town cannot agree upon the value of such real estate, or upon the value of any indivisible property held jointly, then the authorities of either such village or town may, upon five days' notice of the time and place, apply to the county judge of said county, whose duty it shall be to appoint the arbitrators, as hereinafter provided, for the appointment of three arbitrators, who shall be freeholders of said county, and not residents or tax-payers of said village or town, who shall be duly sworn to perform the duties of the trust imposed upon them; and such arbitrators shall view the property and appraise and fix the value thereof, for the purpose of such division, and in case of personal property, if no satisfactory arrangements can be otherwise made, the same shall be sold at auction to the highest bidder, the village or town having the right to bid at such sale. It is further provided that when any village has already become an independent municipality, as provided in section 1, of this act, and such village, before such separation, owned property jointly with the town, and such property rights have not been adjusted, then the same may be determined and settled in accordance with the provisions of this section.

To constitute separate election district.

SECTION 5. Every village declared by this chapter to be a separate and independent municipality, shall constitute a separate election district within the meaning of section 15, of the revised statutes; and when the village is a part of the town, then they shall constitute but one election district; provided, however, that nothing herein shall be construed to prevent the town board from exercising the powers conferred by section

27, of the revised statutes and acts amendatory thereof.

SECTION 6. Whenever any officer has been elected in any village, or in any town within which such village is situated, such officer shall hold office until the next annual meeting in such village or town for the election of officers, notwithstanding such village and town may have voted to unite or separate subsequent to his election. Officers to hold till next town meeting.

SECTION 7. Villages organized under special acts and towns in which such villages are located may exercise powers conferred upon incorporated villages and towns by chapter 391, of the laws of 1887, and by this act. Villages and towns may exercise powers conferred.

SECTION 8. All acts and parts of acts contrary to the provisions of this act are hereby repealed. Repeal.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 126, A.] [Published April 13, 1889.]

CHAPTER 342.

AN ACT to amend section 677, of chapter 36, of the revised statutes of 1878, entitled, "of the county board," and section 1026, of chapter 47, of the revised statutes of 1878, entitled, "of the registration of marriages, births and deaths."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 677, of the revised statutes is hereby amended by striking out the word, "and," in the first line, and by inserting after the word, "interpreters," in the same line, the words, "and physicians or other persons, who are entitled to receive from the county fees for the reporting, to the register of deeds, of births or of deaths which have taken place under their care," so that said section, when so amended, shall read as follows: Every person except jurors, witnesses, in- Amending sec. 677, R. S.

What claims against county to be in writing.

terpreters and physicians or other persons who are entitled to receive from the county fees for the reporting to the register of deeds of births or of deaths which have taken place under their care, having any such claim against any county, shall make a statement thereof in writing, setting forth the nature of his claim, and the facts upon which it is founded, and if the claim be an account, the items thereof separately, and the nature of each, and the time expended in the performance of any service charged for, when no specific fees are allowed therefor by law. Such statement shall be verified by the affidavit of the claimant, his agent or attorney, and filed with the county clerk; and no such claim against any county shall be acted upon or considered by any county board unless such statement shall have been so made and filed.

Amending sec. 1026, R. S.

Register of deeds to file sworn statement of names of physicians, etc., with amount due each for reporting births and deaths.

SECTION 2. Section 1026, of the revised statutes is hereby amended by inserting after the word, "recorded," in the seventh line of said section, the words: "Each such register shall annually, at least six and not more than fifteen days prior to the annual meeting of the county board, make and file with the county clerk, on suitable blanks to be furnished by the latter, a sworn statement showing and giving the names of all physicians or other persons mentioned in the first lines of sections 1023 and 1024, of the revised statutes, and following the names of such persons, the number of births and of deaths reported by each during the year next preceding, for which the county shall have become liable for fees mentioned in chapter 287, laws of 1882, shall be given, and the total amount due each from the county. Such statement shall be laid before the county board by said clerk and shall be prima facie evidence of the claim of the persons named, and the county board shall audit such claim and direct orders to be issued therefor. And if any person in whose favor any such order is drawn shall not call for the same within two years from the time the county board audited his account, he shall be deemed to have waived his right to any compensation for his services, and the county board shall cancel such order. Every register of deeds, as a compensation for his services in making such statement to the county clerk, shall receive

When right to claim waived.

for each birth or death therein reported, two cents, to be paid out of the county treasury. And after the word, "shall," in the seventh line, the word, "also," so that said section, when so amended, shall read as follows: Each register of deeds shall record in such books and in the proper blanks, and shall file in his office all certificates of marriages, births and deaths, returned to him pursuant to law; and he shall keep a general index to all such records, in a separate book, in which he shall enter, in alphabetical order, the name, the page of the record and the date of the marriage, birth or death of each person therein recorded. Each such register shall annually, at least six and not more than fifteen days prior to the annual meeting of the county board, make and file with the county clerk on suitable blanks to be furnished by the latter, a sworn statement, showing and giving the names of all physicians or other persons mentioned in the first lines of sections 1023 and 1024, of the revised statutes, and following the name of such persons, the number of the births and of deaths reported by each during the year next preceding, for which the county shall have become liable for fees mentioned in chapter 287, laws of 1882, shall be given and the total amount due each from the county. Such statement shall be laid before the county board by said clerk and shall be prima facie evidence of the claim of the persons named, and the county board shall audit such claim and direct orders to be issued therefor, and if any person in whose favor any such order is drawn shall not call for the same within two years from the time the county board audited his account, he shall be deemed to have waived his right to any compensation for his services and the county board shall cancel such order. Every register of deeds, as a compensation for his services in making such statement to the county clerk, shall receive for each birth or death therein reported two cents to be paid out of the county treasury. Each such register shall also annually in the month of January transmit, upon suitable blanks to be furnished by the secretary of state, a copy of the record of such marriages, births and deaths, duly certified by him, to the secretary of state, who shall file and record the same; and

Fees of register for making statement.

Statement.

Prima facie.

Fees of register.

said secretary of state shall, at the time of furnishing the records and blanks required to be furnished by this chapter, accompany the same with such instructions as he may see fit to prepare for the purpose of more fully carrying into effect the provisions of this chapter.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 186, A.] [Published April 12, 1889.]

CHAPTER 343.

AN ACT to legalize the acts and proceedings of the Center Association and Center Cemetery Association, organized October 10, 1851; also the acts and proceedings of the officers and agents thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalizing acts of cemetery association in town of Center, Rock county.

SECTION 1. All acts and proceedings of the Center Association and of the Cemetery Association organized October 10, A. D. 1851, in the town of Center and county of Rock, and all acts and proceedings of the said association under the name of "Bethel Cemetery Association," and all acts and proceedings of the officers and agents of said association pertaining to the purchase of grounds, the laying out and platting of such grounds, the sale and conveyance of lots, the making of improvements in and upon said grounds, are hereby as fully legalized as though said acts had been done by said association when legally organized and in accordance with the statutes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 160, A.] [Published April 12, 1889.]

CHAPTER 344.

AN ACT to amend section 2, of chapter 157, of the laws of 1887, entitled, "An act to protect butter and cheese manufacturers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2, of chapter 157, of the laws of 1887, is hereby amended by striking out the words, "by a disinterested competent person," in the second and third lines of said section, and all the words in said section after the word, analysis, in the fifth line thereof, so that said section when so amended shall read as follows: Section 2. Proof of adulterations and skimming may be made with such standard tests and lactometers as are used to determine the quality of milk, or by chemical analysis.

Amending sec. 2, ch. 157, laws 1887.

Proof of adulteration how made.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 810, A.] [Published April 13, 1889.]

CHAPTER 345.

AN ACT to amend section 2213, of the revised statutes, relating to deeds of real estate by guardians.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2213, of the revised statutes of 1878, is hereby amended by adding thereto the following: A deed by a special guardian, authorized by the circuit court or circuit judge to convey real estate of any infant in substantially the following form: Whereas, on application in the

Section 2213, R. S.

Form of deed of special guardian authorized to convey certain real estate of infant.

circuit court of —— county, Wisconsin, to sell all the rights, title and interest of ———, infant, in and to the real estate hereinafter described, such proceedings were had that the undersigned was, on the —— day of ——, 18—, appointed the special guardian of said infant in relation to the proceedings to be had upon such application, and gave and filed a duly approved bond to said infant as required, and such proceedings were thereafter had in such circuit court upon such application, that by order made on the —— day of ——, 18—, by said court or by (—— ——, circuit judge), said special guardian was authorized to execute, acknowledge and deliver to —— —— a deed of conveyance of all the right, title and interest of said —— ——, infant, in and to said real estate. Now, therefore, I, the said —— —— in my capacity of special guardian aforesaid, and in consideration of the premises and —— dollars to me in hand paid by the said —— ——, do hereby grant and convey unto the said —— —— all the right, title and interest of the said —— ——, infant, in and to the following described real estate in —— county, Wisconsin, to wit;

Form.

DESCRIPTION OF LAND.

Witness the hand and seal of the said —— ——, special guardian as aforesaid, this —— day of ——, 18—.

—— ——, (Seal)
Special guardian of —— ——, Infant.

In presence of
—— ——,
—— ——,
—— ——.

Effect of when in such form.

When executed and acknowledged according to law, shall have the effect to convey to the grantee therein named all the estate, right and title of the infant in the lands therein described. And if there are more than one infant whose land is to be so conveyed, such form may be varied accordingly. And every such deed, when properly executed and acknowledged, and the record thereof, shall be prima facie evidence of the facts therein stated, and of the authority of every such guardian to execute such deed, and of the regularity

and validity of all the proceedings prior to the execution of such deed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 296, A.] [Published April 13, 1889.]

CHAPTER 346.

AN ACT to enable members of the Methodist Episcopal church or of annual conferences to form an insurance corporation and to regulate the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Members of Methodist Episcopal church may organize mutual insurance corporation.

SECTION 1. Any number of persons, not less than nine, who are residents of this state, and regular members of the Methodist Episcopal church, or of an annual conference of said church, may form a corporation for the purpose of insuring, upon the plan of mutual insurance, church and parsonage property against loss or damage by fire, lightning or other casualties. The first nine persons signing the articles of organization shall be directors of the corporation until the first annual meeting, or until others are elected, and shall possess the usual powers of such corporations for the purposes mentioned. The articles of organization having been filed with the commissioner of insurance and proof that policies in the requisite number and amount have been applied for shall be examined by the attorney general, and, if found in conformity with law, the commissioner shall issue his certificate that said corporation is duly organized and is entitled to do business under the laws of this state.

Articles to be filed with commissioner.

Powers of.

SECTION 2. Such corporation, in addition to the powers granted by chapter 85, of the revised statutes, shall have power:

1st. To make contracts of insurance in this state and elsewhere with any church, board of

To make contracts of insurance on church property.

trustees, or official board of any denomination, against loss or damage by fire, lightning, or other causalties, or any property held by a church, or its official representatives, for such premiums or considerations, and under such regulations or restrictions as such corporation in its by-laws may provide.

May hold real estate.

2d. To purchase, receive, hold, possess and convey all such real estate and personal property as shall be necessary for its accommodation and the convenient transaction of its business.

Prescribe form of admission.

3d. To prescribe the manner and form for the admission of members and the withdrawal of the same.

Rules and regulations for government.

4th. To make all necessary rules and regulations concerning insurance on property, and the appraisement and payment of losses, and alter and amend the same at pleasure.

Compensation of officers.

5th. To fix the compensation of its officers and their duties, and to require bonds for the faithful performance of their duties.

Invest funds.

6th. To invest, or loan on notes or bonds secured by mortgage, or deposit in a bank with or without interest, any funds not needed for the immediate payment of losses sustained, or to set apart a certain per cent of any assessment, or order a special assessment, which shall be kept as a reserve fund, to be used only in the case of extraordinary losses or damage. No more than one such assessment shall be made in any one year, nor shall the fund exceed five per cent. of the amount of risks carried at any time the fund is added to.

Exercise powers to effect object of corporation.

7th. To exercise such other powers as shall be necessary to effect the object of such corporation.

When commissioner of insurance to issue certificate to—License fee of.

SECTION 3. The commissioner of insurance shall issue a certificate to such corporation as soon as they shall have been properly organized and have twenty-five (25) bona fide applications for insurance, averaging at least one thousand dollars ($1,000) each, upon a payment of a license fee of ten dollars ($10) and all the requirements of this act are complied with; and if at any time, after such corporation shall have been organized and begun business, the number of policies in force shall become less than twenty-five in number, of an average of at least one thousand dollars ($1,000) each, the commissioner of insur-

ance shall be empowered to cancel the license and cause the corporation to wind up its affairs in the manner provided by law in the case of other insurance companies organized in this state. But no resolution for the dissolution of this corporation shall be adopted or take effect unless three-fourths of the members present shall vote for its adoption.

When to cancel same.

SECTION 4. Any church or church society, by its repesentatives, holding a policy in this corporation of the sum of five hundred dollars ($500), shall be a member of this corporation for so long as such policy is in force, and are entitled to one vote for each full five hundred dollars ($500) so held; but in case that for any reason such policy should be forfeited or lapse, such church or society shall not be entitled to any vote so long as such policy remains inactive.

Who members.

SECTION 5. An annual meeting shall be held on the first Tuesday succeeding the first Monday in January of each year at the office of the secretary, for the purpose of electing officers, at which meeting the secretary and treasurer shall make an annual report, setting forth the condition of the corporation as to numbers of policies in force, the number of new policies and the total amount of risks written during the year just past, the amount of losses paid, the number of assessments levied, the condition of the treasury, and what changes there have been in the reserve fund, if there be one.

Annual meeting when held.

Secretary and treasurer to report.

SECTION 6. The president or vice-president and secretary of such corporation shall annually, within the month of January, prepare and deposit in the office of the commissioner of insurance, a statement, verified by their oaths, of the business of the corporation during the year and of its condition on the thirty-first day of December then next preceding, in such form and containing such items or facts in regard to its business or condition as the commissioner may require.

To deposit statement of affairs with commissioner of insurance.

SECTION 7. Every member of this organization who may sustain a loss under their policy shall immediately notify the secretary, who shall proceed at once to determine the loss or damage and if possible make settlement. If the party sustaining the loss shall not acquiesce in the decision the claim shall be submitted to referees mutually

Losses.

agreed upon, whose award shall be final; provided, the corporation shall have the privilege or option of paying such appraisal or making the loss good in repairing or rebuilding the loss or damage.

Option of corporation to rebuild or repair.

Assessment, how levied.

SECTION 8. Whenever the condition of the treasury is such that an assessment is necessary, the secretary shall proceed to levy such assessment, according to the amount for which each several piece of property is insured, taking into consideration the rate of premium under which it may have been classified. The secretary, when any such assessment shall have been completed shall immediately notify every church, by its representative, composing such corporation, by letter sent to his usual post-office address, the amount of their assessment that is now due, the time within which and to whom such assessment is to be paid, but such time of payment shall not exceed forty days from the date of such notice. If the assured neglect payment of any assessment within forty days from the date of said notice then their policy shall be null and void until such assessment is paid, together with any assessment which may be levied during the suspension of the policy on account of the non-payment of a previous assessment.

Members may withdraw.

SECTION 9. Any member of this corporation may withdraw therefrom by giving notice in writing to the secretary thereof and paying up all dues and their ratable share of all losses or damages suffered by the corporation up to the date of withdrawal. All obligation toward the party withdrawing shall cease from the time of withdrawing. The officers shall have power to annul any policy by giving notice in writing to that effect to the holder thereof and paying any sum which may be due from the corporation to such member.

Per cent of premium, how determined.

SECTION 10. The per cent. of premium shall be determined as near equitably as may be, considering the hazard, and having been determined, all assessments shall be made upon this basis, which shall not change so long as the hazard remains the same. All assessments shall be paid in cash, and the first one shall be paid at the time of issuing the policy, together with the cost of the policy. As soon after organization as circum-

stances shall permit, and thereafter, the corporation shall carry in its treasury at least a sum sufficient to pay the largest obligation that can arise under any policy carried, and in case of loss or damage, as soon as the amount has been determined. If paid in cash, it shall be done within twenty days of the time the loss has been determined, and if repaired or rebuilt, work shall be begun within twenty days and prosecuted with reasonable dispatch thereafter until completion.

Who may act.

SECTION 11. After the payment of the fee to the commissioner of insurance for the license under which this corporation shall act, no other fees, dues or taxes shall be required of them.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 391, A.] [Published April 13, 1889.]

CHAPTER 347.

AN ACT to amend chapter 182, of the revised statutes, relating to the baiting and fighting of birds, dogs and other animals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 4445a new section, revised statutes.

SECTION 1. Chapter 182, of the revised statutes of Wisconsin is hereby amended by inserting immediately after section 4445 thereof, the following additional sections: Section 4445a. Any person who keeps or uses, or is in any manner connected with, or interested in the management of, or who receives money or valuable thing for the admission of any person to a house, apartment, pit or place, kept or used, or intended to be used, for baiting or fighting any bird or animal, and any owner or occupant of a house, apartment, pit or place, who willfully procures or permits the same to be used or occupied for such baiting or fighting, is guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine not less

Baiting and fighting of birds and other animals.

Penalty for keeping, using, or permitting premises to be used for purposes of.

than ten dollars nor more than one hundred dollars, or by imprisonment not less than ten days nor more than thirty days, or both. Upon complaint made under oath or affirmation to any magistrate or court authorized to issue warrants in criminal cases that the complainant has just and reasonable cause to suspect that any of the provisions of law relating to or in any wise affecting animals are being or about to be violated in any particular building or place, such magistrate or court shall immediately issue and deliver a warrant to any person authorized by law to make arrests for such offenses, authorizing him to enter and search such building or place, and to arrest any person there present found violating any of said laws, and to bring such person before the nearest magistrate or court of competent jurisdiction, to be dealt with according to law.

Section 4445b, officer may take possession of animals, implements, etc.

Section 4445b. Any officer authorized by law to make arrests, may lawfully take possession of any animals or implements, or other articles of property used or employed, or about to be used or employed, in the violation of any provisions of law relating to fights among animals. He shall state to the person in charge thereof, at the time of such taking, his name and residence, and also the time and place at which the application hereinafter provided for will be made.

Section 4445c, after taking possession, officer to file affidavit with court, giving description of animals.

Section 4445c. The officer after taking possession of such animals or implements or other property, pursuant to the preceding section, shall apply to the magistrate or court before whom complaint is made against the offender violating such provisions of law, for the order next hereinafter mentioned, and shall make and file an affidavit with such magistrate or court stating therein the name of the offender charged in such complaint, the time, place and description of the animals, implements, or other property so taken, together with the name of the party who claims the same, if known, and that the affiant has reason to believe, and does believe, stating the grounds of such belief, that the same were used or employed, or were about to be used or employed in such violation, and will establish the truth thereof upon the trial of such offender.

To deliver animals, etc., to court or magistrate.

He shall then deliver such animals, implements or other property to such magistrate or court, who

shall thereupon by order in writing, place the same in the custody of the officer or other proper person in such order named and designated, to be kept by him until the trial or final discharge of the offender, and shall send a copy of such order without delay to the district attorney of the county. The officer or person so named and designated in such order shall immediately thereupon assume such custody, and shall retain the same for the purpose of evidence upon such trial, subject to the order of the court before which such offender may be required to appear until his final discharge or conviction. Upon the conviction of such offender, the animals, implements, or other property shall be adjudged by the court to be forfeited. In the event of the acquittal or final discharge without conviction of such offender, such court shall on demand, direct the delivery of the property so held in custody to the owner thereof.

Order to be made for custody of.

Duty of custodian.

Forfeiture.

Property to be returned, when.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 661, A.] [Published April 13, 1889.]

CHAPTER 348.

AN ACT to amend section 4096, of chapter 176, of the revised statutes, entitled, "of evidence," as amended by chapter 194, of the laws of 1882, and by chapter 321, of the laws of 1885.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4096, of the revised statutes of 1878, as amended by chapter 194, of the laws of 1882, and by chapter 321, of the laws of 1885, is hereby amended by adding thereto, at the end thereof, the following: Provided, that whenever any plaintiff or defendant is a non-resident of the state his deposition may be had under the provisions of this section, in the county in which the action is pending, if he can be personally served

Amending section 4096, R. S.

Deposition of non-resident party to action may be taken in county where action is pending.

Attendance may be compelled.

with notice and subpœna in such county. In any examination under the provisions of this section the judge or commissioner before whom the same is had shall have power and authority to compel the party examined to answer all questions relevant to the issues involved, and also to compel the production by the party examined of books and papers relevant and pertinent to the issues, and may enforce such answers and the production of such books and papers by contempt proceedings, so that said section when so amended shall read as follows: Section 4096. No action to obtain a discovery under oath, in aid of the prosecution or defense of another action shall be allowed; but the examination of a party, or in case a corporation be a party, the examination of the president, secretary or other principal officer or general managing agent of such corporation, otherwise than as a witness on a trial, may be taken by deposition at the instance of the adverse party, in any action or proceeding, at any time after the commencement thereof, and before judgment. Such deposition shall be taken before a judge at chambers on a previous notice to such party and any other adverse party, or their respective attorneys, of at least five days; or it may be taken without the state upon commission in the manner provided for taking other depositions. The attendance of the party to be examined may be compelled upon subpœna, and the payment or tender of his fees as a witness; and such examination shall be subject to the same rules as that of any other witness, but he shall not be compelled to disclose anything not relevant to the controversy. If such examination shall be taken before issue joined, the notice of taking the same shall be accompanied by an affidavit of the party, his agent or attorney, stating the general nature and object of the action, that discovery is sought to enable the party to plead, and the points upon which such discovery is desired, and such examination shall be limited to the discovery of the facts relevant to the points so stated, unless the court or the presiding judge thereof, on motion and one day's notice shall, before the examination is began, by order further limit the subjects to which such examination shall extend, but such examination shall not pre-

Section 4096, R. S., amended.

Deposition of non-resident.

clude the right to another examination after issue joined upon all the issues in the cause, and the party examining shall, in all cases, be allowed to examine upon oral interrogatories. Such examination shall not be compelled in any other county than that in which the party to be examined resides; provided, that whenever plaintiff or defendant is a non-resident of the state his deposition may be had under the provisions of this section in the county in which the action is pending, if he can be personally served with notice and subpœna in such county. In any examination under the provisions of this section the judge or commissioner before whom the same is had shall have power and authority to compel the party examined to answer all questions relevant to the issues involved, and also to compel the production by the party examined of books and papers relevant and pertinent to the issues, and may enforce such answers and the production of such books and papers by contempt proceedings.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 638, A.] [Published April 12, 1889.]

CHAPTER 349.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 666, A.] [Published April 13, 1889.]

CHAPTER 350.

AN ACT to amend section 1, of chapter 52, of the laws of 1879, entitled, "an act to regulate the time for holding the general terms of the circuit court in the eighth judicial district, and to authorize the circuit judge of said court to appoint special terms therein as amended by section 1, of chapter 135, of the laws of 1885.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows

Terms of court in 8th judicial circuit.

SECTION 1. Section 1, of an act entitled, "An act to regulate the time for holding the general terms of the circuit court in the eighth judicial circuit, and to authorize the circuit judge of said court to appoint special terms therein," approved February 21, 1879, as amended by section 1, of chapter 135, of the laws of 1885, and approved March 25, 1885, is hereby amended by interposing the words, "the Tuesday following," between the words "on" and "the," in the twentieth, and between "on" and "the" in the twenty-first lines of said amended section, so that said section shall read: Section 1. The general terms of the circuit court in the eighth judicial circuit shall be held as follows: In the county of Buffalo, on the fourth Monday of February and on the fourth Monday of October; in the county of Dunn, on the second Monday of March and on the second Monday of September; in the county of Eau Claire, on the fourth Monday of March and on the fourth Monday of September; in the county of Pepin, on the third Monday of April and on the third Monday of October; in the county of Pierce on the Tuesday following the second Monday of June and on the Tuesday following the second Monday of December; in the county of St. Croix, on the second Monday of May and on the second Monday of November.

SECTION 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 676, A.] [Published April 19, 1889.]

CHAPTER 351.

AN ACT to authorize the town of Plainfield and the village of Plainfield to jointly issue bonds for the purpose of paying their railroad bonded indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

WHEREAS, By authority of an act entitled, "an act to authorize certain counties, towns and villages to aid in the construction of the land grant railroad, from Portage City and from Doty's Island to Lake Superior, approved March 9, 1869, and the several acts amendatory thereof," the town of Plainfield, in the county of Waushara, did issue its bonds for the sum of twenty thousand dollars, bearing date December 1, 1871, due in twenty years from date; and of the said bonds so issued, the sum of nineteen thousand dollars is still outstanding, and will become due on December 1, 1891; and

WHEREAS, On the third day of October, 1882, by authority conferred by chapter 40, of the revised statutes of 1878, a portion of the territory of said town of Plainfield became incorporated under the name of the village of Plainfield; therefore

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town and village boards of Plainfield authorized to issue bonds, jointly.

SECTION 1. The board of supervisors of the town of Plainfield, and the trustees of the village of Plainfield, in the county of Waushara, are hereby authorized to jointly issue coupon bonds of said town and village, to pay and take up all and any of the railroad bonded debt of said town and village.

How issued.

SECTION 2. Said bonds shall be numbered in regular order, and shall be issued in denominations of one hundred dollars, or some multiple thereof, not exceeding one thousand dollars, as the board of supervisors of said town and the trustees of said village may determine, and shall

bear interest at a rate not exceeding five per cent. per annum, payable semi-annually; said bonds shall have semi-annual interest coupons attached, and be made payable in not to exceed twenty years from their dates; and said bonds and interest shall be made payable at the office of the treasurer of said town, or at the office of the state treasurer, as said board of supervisors and board of trustees may determine.

How executed.

SECTION 3. Said bonds shall be signed by the chairman of the board of supervisors of said town, and by the president of said village, and shall be countersigned by the town and village clerks of said town and village, and in the hands of a bona fide holder said bonds shall be full and complete evidence of the indebtedness of said town and village according to the tenor and effect of said bonds.

Chairman of town and president of village to certify amount due on, to county clerk.

SECTION 4. The chairman of said town and the president of said village shall, on or before the time fixed by law for the annual meeting of the county board of said Waushara county, certify to the county clerk of said county the amount of principal and interest that shall become due on said bonds for each year; and the county clerk shall apportion the same proportionately upon said town and village, according to the valuation of each, as fixed by the county board for that year; and the amount so proportioned shall be levied, collected and paid by the proper officers of said town and village.

Tax to be levied.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 868, A.] [Published April 12, 1889.]

CHAPTER 352.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 870, A.] [Published April 12, 1889.]

CHAPTER 353.

AN ACT for the increase of the Wisconsin National Guard.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The maximum number of companies of infantry of the Wisconsin National Guard that shall be entitled to state aid shall be forty-two (42). Maximum number of companies.

SECTION 2. The governor is hereby authorized to cause to be mustered into the state service and enrolled as a part of the organized Wisconsin National Guard as provided by law, six companies of infantry, to be located in the first instance, as follows: One at Marinette, one at Fort Atkinson, one at Oconto, one at Eau Claire, and two at Milwaukee, which shall be included in the number of companies fixed by section 1, of this act. Said companies shall be assigned, one to the first regiment, two to the second regiment, and one to the third regiment, and two to the fourth battalion, Wisconsin National Guard, respectively, and to receive the same pay and allowances as the companies now organized. Additional companies may be mustered in.

SECTION 3. There is hereby appropriated out of the general fund not otherwise appropriated, a sum sufficient to carry out the provisions of this act. Appropriation.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 929, A.] [Published April 13, 1889.]

CHAPTER 354.

AN ACT to authorize the town of Cedarburg, in the county of Ozaukee to raise money for certain purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town of Cedarburg authorized to raise money in aid of manufacturing.

SECTION 1. The town of Cedarburg, in the county of Ozaukee, is hereby authorized to raise by taxes any sum of money not exceeding in the aggregate the sum of five thousand dollars, for aiding any undertaking established or to be established in said town for manufacturing purposes in the manner hereinafter set forth.

Petition, special town meeting to be called.

SECTION 2. Upon the petition of at least fifty freeholders of said town, a special town meeting may be called by the supervisors of said town upon the question whether such aid or bonus is to be granted or not.

What to set forth.

SECTION 3. Said petition shall set forth the amount of money so mentioned in section 1, of this act, and for what purpose the same is to be used, and to whom and in what manner and at what time or times the same is to be paid, and the notice of a special town meeting of said town shall set forth at length the object of the same as mentioned in the said petition.

How meeting conducted.

SECTION 4. Said special town meeting shall be held and conducted, and notice thereof be given as is now provided by law, and the vote on the question of raising said money shall be taken by ballot, and the votes so given shall be counted in the usual manner, and if a majority of said votes so cast shall be in favor of raising said amount, then it shall be the duty of the supervisors of said town to include the amount so voted in the next tax roll of said town.

Ballot to be taken.

Form.

SECTION 5. The ballots to be cast at such special election or town meeting shall be either written or printed or partly written or printed with the words: "For the proposition," or "Against the proposition."

SECTION 6. After the money so voted for and

collected it shall be the duty of said supervisors of said town to pay over the same to the person or persons or to the corporation entitled thereto according to the prayer of the citizens expressed in said petition and subsequent notice of election or special town meeting as hereinbefore provided.

Supervisors, when to pay over bonus.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

SECTION 8. The secretary of state is hereby authorized and required to have this act published in the Cedarburg Weekly News, a newspaper published at the city of Cedarburg, Ozaukee county.

To be published in Cedarburg Weekly News.

Approved April 10, 1889.

[No. 933, A.] [Published April 13, 1889.]

CHAPTER 355.

AN ACT to amend the charter of the city of Richland Center.

(See Vol. 2.)

[No. 347, S.] [Published April 11, 1889.]

CHAPTER 356.

AN ACT authorizing the city of Berlin to subscribe for stock in a certain railway company herein named, and to issue bonds in payment therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Berlin, in Green Lake county, is hereby authorized to subscribe in the name of said city for the capital stock of the Berlin and Green Lake Rail-

City of Berlin authorized to subscribe for stock in Berlin & Green Lake Railroad Company.

way company to an amount not exceeding twenty-five thousand dollars, for the purpose of aiding said company to build its railroad from the city of Berlin, in Green Lake county, to the village of Dartford, in said county, and for the purpose of paying for said stock the common council of said city is authorized to issue and deliver to said railway company the bonds of said city to an amount equal to the amount of such subscription, and not exceeding twenty-five thousand dollars, with negotiable coupons or interest warrants attached thereto, for the payment of interest thereon at the rate of five per centum per annum; and said common council shall, at the time of issuing said bonds, provide for the collection of a direct annual tax sufficient to pay such interest, as it falls due, and also to pay and discharge the principal thereof, within twenty years from the time of the issuing of such bonds. The said subscription shall not be made, nor the bonds issued, until authorized, as follows: Any fifty or more legal voters and resident tax payers of said city may join in a petition to the common council of said city, asking that the matter of bonding the city be submitted to the legal voters thereof, and upon the presentation of said petition the said common council shall call a special election of the legal voters of said city, upon such notice as it may deem proper; and if said election shall, by a majority vote, result in favor of making such subscription and issuing of said bonds, it shall be the duty of said common council to make such subscription and issue such bonds, as herein provided. Said election shall be by ballot, and the ballots may be made to read, "For the railroad bonds," and "Against the railroad bonds"

Bonds may be issued, when.

Question of bonding city to be submitted to voters.

Form of ballot.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 277, S.] [Published April 13, 1889.]

CHAPTER 357.

AN ACT to amend the charter of the city of Berlin.

(See Vol. 2.)

[No. 399, S.] [Published April 16, 1889.]

CHAPTER 358.

AN ACT to amend the charter of the city of Lake Geneva.

(See Vol. 2.)

[No. 353, S.] [Published April 16, 1889.]

CHAPTER 359.

AN ACT to regulate and prescribe the disposition of the surplus of moneys contributed for charitable or benevolent purposes, and held in trust or otherwise.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Surplus of moneys contributed for relief of sufferers by certain calamities, how disposed of.

SECTION 1. Whenever, upon the occurrence of a cyclone, conflagration or like calamity, five or more persons shall contribute moneys to a common fund for the relief of the sufferers by such calamity, the surplus of moneys, if any, remaining after the expiration of six months from the date of such calamity shall be disposed of in the manner herein provided.

Statement, when to be published by party having such funds.

SECTION 2. Within ten days after the expiration of such period of six months, the person or persons having possession of such surplus shall make and cause to be published a complete itemized statement of all moneys paid into such fund, and of all disbursements therefrom, and showing the amount of the unexpended balance. Such publication shall be made in some newspaper published in the town, city or village wherein such calamity occurred. If no newspaper is published in such town, city or village, then such publication shall be made in some newspaper published in the county wherein such calamity occurred.

Notice of refunding to be annexed to statement, what to contain.

SECTION 3. There shall be annexed to and published with such statement, a notice signed by the person or persons having possession of such surplus, to the effect that he or they will pay to each of the contributors to such fund his pro rata share of such surplus, at a certain place or places, to be named in such notice, after deducting expenses of publication, etc., if payment thereof shall be duly demanded within sixty days from the date of the publication of such notice, and that after the expiration of said period of sixty days, all moneys not so returned to contributors, will be donated to one or more charities to be named in such notice.

Copies to be posted.

SECTION 4. Within two days after the date of the publication of such notice and statement, copies thereof shall be posted in three of the most public places in such town, city or village.

Surplus remaining to be used for charitable purposes.

SECTION 5. Such statement and notice having been published and posted, and the said period of sixty days after such publication having elapsed, as herein provided, then and thereafter the person or persons having in possession such surplus shall within five days deliver the same, or the portion thereof remaining, to one or more charities mentioned in such notice, and having so delivered the same, and having duly filed a receipt therefor, together with an affidavit of the publication, posting and mailing hereby required, in the office of the county clerk of the county in which such calamity occurred, shall not thereafter be liable or accountable therefor to such contributors or otherwise.

What to apply to.

SECTION 6. This act shall apply to the surplus of any moneys heretofore contributed for the relief of sufferers from any such calamity

although more than six months may have elapsed since the occurrence thereof; but in the case of every such surplus of moneys, the person or persons having the same in possession, besides publishing and posting a statement and notice as hereinbefore provided, shall also within five days after such publication mail a copy of such notice, with postage prepaid, to each subscriber to said fund at his post-office address if the same be known or can with due diligence be ascertained.

SECTION 7. This act shall not apply to any such surplus of moneys which does not exceed in amount the sum of twenty-five dollars.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 396, S.] [Published April 13, 1889.]

CHAPTER 360.

AN ACT to prevent persons from unlawfully using or wearing the insignia or rosette of the military order of the Loyal Legion of the United States, or any imitation thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for unlawfully using or wearing insignia or rosette of military order of Loyal Legion of U. S.

SECTION 1. Any person who shall willfully wear the insignia or rosette of the military order of the Loyal Legion of the United States, or any imitation thereof, or use the same to obtain aid or assistance within this state, unless he shall be entitled to use or wear the same under the constitution and by-laws, rules and regulations of the military order of the Loyal Legion of the United States shall be guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment for a term not to exceed thirty days, or a fine not to exceed twenty dollars, or by both such fine and imprisonment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 400, S.] [Published April 13, 1889.]

CHAPTER 361.

AN ACT to amend section 962, of chapter 42, of the revised statutes of Wisconsin, entitled, "Of resignations, vacancies and removals from office."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sub. 6, sec. 962, R. S. Vacancies in office, "when party adjudged insane."

SECTION 1. Subdivision 6, of section 962, of chapter 42, of the revised statutes of Wisconsin, is hereby amended to read as follows: 6. The decision of a competent tribunal declaring void his election or appointment, or adjudging him insane.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 246, S.] [Published April 15, 1889.]

CHAPTER 362.

AN ACT to authorize the city of Madison to build a new city hall or to rebuild or modify its present city hall building, and to authorize the common council of the city of Madison to remit the taxes on an opera-house building if by them deemed advisable.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build new city hall, issue bonds for same.

SECTION 1. The common council of the city of Madison is hereby authorized to construct a new city hall building with a suitable room for public meetings and entertainments attached, and for that purpose they are authorized to purchase additional grounds, to be used in connection with the grounds on which the present

city hall is located, or to purchase a new site for said proposed building elsewhere in the city of Madison, to dispose of the present city hall or to modify or rebuild and enlarge the same, or make an entire new city hall building, as they may deem advisable and for the best interests of the city; and for either of said purposes they may use the moneys now belonging to the sinking fund of the city, and in addition may issue bonds in an amount not exceeding fifty thousand dollars, bearing interest at a rate not exceeding five per cent. per annum, said bonds to be payable in whole or in part, at such time or times not exceeding twenty years, as the common council may prescribe; and in case the funds above provided for shall not complete and furnish the building herein authorized, the common council is empowered to make a temporary loan to pay the deficiency and such sum in excess of twenty-five thousand dollars as may annually be levied for general city purposes within the two per cent. limit prescribed by the city charter, shall annually be set apart and used for the payment of said temporary loan until the same shall be fully paid.

May remit or refund taxes assessed on building and lands used for an opera-house.

SECTION 2. The common council is hereby authorized to remit or refund during such period as they may deem advisable, the taxes that may be assessed against any building hereafter constructed in the city of Madison for the purposes of an opera-house, and the land occupied for the purpose of said opera-house; provided, that nothing herein shall authorize a remission of taxes for special improvements.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 176, S.] [Published April 13, 1889.]

CHAPTER 363.

AN ACT to amend subdivision 11, section 1038, chapter 48, of the revised statutes of 1878, entitled. "of assessment of taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending subd. 11, sec. 1038, R. S.

SECTION 1. Subdivision 11, of section 1038, chapter 48, of the revised statutes, is hereby amended by inserting the words, "and other household furniture not exceeding in value the sum of two hundred dollars" after the word, "kitchen furniture," where it appears in said subdivision, so that it reads when amended as follows: Wearing apparel, family portraits, libraries, kitchen furniture, and other household furniture, not exceeding in value the sum of two hundred dollars, and also growing crops.

Exempting $200 worth of household furniture from taxation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 183, S.] [Published April 15, 1889.]

CHAPTER 364.

AN ACT to preserve and protect fish in Green Lake county, including all streams, creeks, sloughs, bayous, marshes and waters adjacent and tributary to said Green Lake.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Nets or snares not to used in Green Lake.

SECTION 1. No person or persons shall set, place or use any gill, fyke, pound, seine, dip or other net or snare, or cause the same to be set, placed or used, in Green Lake, in Green Lake county, including all streams, creeks, sloughs, bayous,

marshes and waters adjacent and tributary to said Green Lake.

When fish may be caught in.

SECTION 2. No person or persons shall fish for, catch or kill, with any device, or cause to be fished for, catched or killed, with any device, any trout, pike, pickerel, or black bass, during their spawning season, in said Green Lake, including all streams, creeks, sloughs, bayous, marshes and waters adjacent and tributary to said Green Lake. The spawning season shall be construed as follows: For trout, from the first day of September to the fifteenth day of April; for pike and pickerel, from the tenth day of April to the fifteenth day of May; and for black bass from the first day of May till the first day of July.

Penalty for violation.

SECTION 3. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit and pay a sum not less than twenty dollars nor more than one hundred dollars, in the discretion of the court, and also pay the costs of the prosecution, and also the costs incurred by the county, at the request of the defendant, to be taxed by the court, and to be committed to the county jail until said forfeiture and costs be paid; but such imprisonment shall not be less than thirty days, and in no case to exceed six months, and is to cease whenever said forfeiture and costs be paid.

Forfeiture how recovered.

SECTION 4. The said forfeiture shall be recovered in a criminal action in the name of the state of Wisconsin, before any justice of the peace of said Green Lake county, and one-half of said forfeiture, when collected, shall be paid to the person making the complaint, and the remainder of said forfeiture and costs shall be paid into the county treasury according to law.

Bait may be caught, and suckers speared.

SECTION 5. This act shall not be construed to prevent the catching of minnows, shiners and chubs with minnow nets, for bait, nor the spearing of suckers in said Green Lake, and which is hereby declared lawful.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 191, S.] [Published April 13, 1889.]

CHAPTER 365.

AN ACT to reduce the price of lands held by the state in the counties of Adams, Juneau, Marquette and Winnebago.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reducing price of state lands in Adams, Juneau, Marquette and Winnebago counties.

SECTION 1. The price of land held by the state in the counties of Adams, Juneau and Marquette, the price of which now is fixed by law at fifty cents per acre, is hereby reduced and fixed at twenty-five cents per acre. The lands in said counties, held by the state, the price of which is now fixed by law at three dollars per acre, is hereby reduced and fixed at one dollar and twenty-five cents per acre.

Juneau county.

SECTION 2. The lands within the county of Juneau, now held by the state, the price of which is now fixed by law at two dollars and one dollar and twenty-five cents per acre, respectively, is hereby reduced to seventy-five cents per acre.

Winnebago county.

SECTION 3. All lands held by the state in the county of Winnebago, the price of which is now fixed by law at three dollars per acre, is hereby reduced to and fixed at one dollar per acre.

Commissioners to sell and patent lands at prices named.

SECTION 4. The commissioners of public lands are authorized to sell and patent the said described lands to purchasers at the prices named.

SECTION 5. This act shall be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 122, S.] [Published April 15, 1889.]

CHAPTER 366.

AN ACT to authorize Joel Richardson, his associates, heirs and assigns to construct and maintain a dam across Beaver brook in Polk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Joel Richardson, his associates, heirs and assigns are hereby authorized to erect and maintain a dam across Beaver brook, in Polk county, on land now owned or which may hereafter be acquired by purchase or lease by said Joel Richardson, his associates, heirs or assigns, on the southwest quarter of the northeast quarter, and the northwest quarter of the southeast quarter of section five, in township thirty-three north, of range fifteen west; said dam to be constructed for hydraulic, manufacturing and boomage purposes; and the said Joel Richardson, his associates, heirs and assigns are authorized to erect and maintain mills, machinery and necessary appendages to enable them to use the water of said stream for the aforesaid purposes; provided, that said dam shall not raise the water to exceed eighteen feet above the natural channel.

Joel Richardson, et al., authorized to build dam across Beaver brook, Polk county.

SECTION 2. The said Joel Richardson, his associates, heirs and assigns, shall build suitable slides in said dam for running logs and timber over the same, and shall keep the same in repair. The same shall be kept open at all times when the said river is at a driving stage, and there are logs and timber to run over said dam. The said Joel Richardson, his associates, heirs and assigns, may erect and maintain booms for the sorting of logs, passing into the mill pond hereby authorized to be created; provided, that said booms shall be constructed so as to allow free passage of logs or timber; and that the said Joel Richardson, his associates, heirs and assigns, shall put through the reservoir created by said dam all logs and timber owned or controlled by any other persons or corporations free and clear of all costs and ex-

Slides to be built.

pense without hindrance or delay, and shall maintain a sufficient head of water for that purpose.

Control of dam.

SECTION 3. The control of said dam and slides shall belong to the said Joel Richardson, his associates, heirs and assigns, but subject always to the provisions of section 2, of this act.

Subject to provisions of ch. 146 R. S. and 318 laws of 1882.

SECTION 4. The dam so erected shall be subject to all provisions of chapter 146, of the revised statutes of 1878, and acts amendatory thereof, so far as said chapter and acts amendatory may be applied; provided, however, that the said Joel Richardson, his associates, heirs and assigns, for the purpose of ascertaining the compensation to be made for overflowing or otherwise injuring the lands of others, may, within six months from and after the passage and publication of this act, proceed according to the provisions of chapter 318, of the laws of 1882, and acts amendatory thereof.

Right reserved.

SECTION 5. The legislature hereby reserves the right to alter, amend or repeal the franchises granted in this act whenever in the judgment of the legislature it is necessary or proper to do so.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 71, S.] [Published April 13, 1889.]

CHAPTER 367.

AN ACT to repeal chapter 114, of the laws of 1880, entitled, "An act fixing the time when wild deer may be taken in the counties of Ashland, Bayfield and Douglas."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 114, of the laws of Wisconsin, for the year 1880, is hereby repealed.

Repeal of ch. 114, laws 1880.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 83, S.] [Published April 13, 1889.]

CHAPTER 368.

AN ACT to amend chapter 193, of the laws of 1887, entitled, "An act to amend section 4382, of the revised statutes, relating to the crime of rape," and to amend section 4381 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 4382 R. S. Rape of female under 12 years, punishment for.

SECTION 1. Section 4382, of the revised statutes of 1878, as amended by chapter 193, of the laws of 1887, is hereby amended by striking out the words, "during his natural life," in the last line of said section, and inserting in lieu thereof, "not less than five years, nor more than thirty-five years," so that said section, when amended, shall read as follows: Section 4382. Any person who shall unlawfully and carnally know and abuse any female under the age of twelve years, shall be punished by imprisonment in the state prison not less than five years, nor more than thirty-five years. Also amend section 4381, of the revised statutes of 1878, by striking out the word, "ten," where it occurs in said section, and inserting the word, "twelve," so that said section when amended shall read as follows: Section 4381. Any person who shall ravish and carnally know any female of the age of twelve years or under by force and against her will, shall be punished by imprisonment in the state prison not more than thirty years nor less than ten years, but if the female shall be proven on the trial to have been at the time of the offense a common prostitute, he shall be punished by imprisonment in the state prison not more than seven years nor less than one year.

Amending sec. 4381 R. S.

Rape of female under 12 years.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 64, S.] [Published April 15, 1889.]

CHAPTER 369.

AN ACT to amend section 1, of chapter 471, of the laws of 1885, relating to the catching of brook trout.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 471 laws 1885—Catching brook trout.

SECTION 1. Section 1, of chapter 471, of the laws of 1885, is hereby amended by striking out the words, "provided, however, that the provisions of this act shall not extend to or affect the counties of Ashland, Bayfield, Douglas, Polk, Pierce or Burnett," so that said section, when so amended, shall read as follows: Section 1. Any person who shall catch for sale or offer for sale or barter, any brook trout caught in any of the streams, ponds or lakes of this state, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than five dollars nor more than ten dollars, and upon conviction for a second violation of the provisions of this act, shall be punishable by a fine of not less than ten dollars nor more than twenty dollars; provided, that this act shall not prohibit the catching, for sale or barter, brook trout, raised and propagated in any of the streams or ponds of this state, by the owners thereof or their agents.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

[No. 72, S.] [Published April 16, 1889.]

CHAPTER 370.

AN ACT to amend subdivision 1, of section 462, of chapter 27, of the revised statutes, entitled, "of common schools," as amended by chapter 298, of the general laws of 1883.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision 1, of section 462, of the revised statutes, as amended by chapter 298, of the general laws of 1883, is hereby amended so as to read as follows: 1. The number of children, male and female, designated separately over the age of four and under the age of twenty years, residing in the district, and the names of their parents, guardians, or other persons with whom such children resided, respectively, on the last day of June preceding. But no such children residing in, held or cared for at any charitable or penal institution of this state shall be included in such enumeration or report. And whenever the state superintendent shall receive information that any such children have been enumerated in the school census of any school district included in the reports made to him, on the basis of which apportionment of money from the school fund income is made, he may require from the district clerk or the secretary of the board of education of said district, a verified statement of the whole number of children of school age residing in the district not excluded by the provisions of this act, in such form and manner as the said superintendent may prescribe. Unless the certificate herein provided for shall be made, no money shall be apportioned for the benefit of said school district.

Amending sec. 462 R. S.

Number of children to be reported.

Not to enumerate those held or cared for at any state institution.

Clerk or secretary to make verified statement when.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1889.

[No. 77, S.] [Published April 15, 1889.]

CHAPTER 371.

AN ACT to prevent the destroying of small wall-eyed pike, black bass and frog bass, and to repeal chapter 412, laws of 1887.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Pike and bass of less than 1 pound not to be sold.

SECTION 1. Hereafter it shall be unlawful to sell within the state of Wisconsin, any wall-eyed pike (commonly called dorie), black bass and frog bass, of less than one pound weight each.

Not to have to exceed 10 pounds in possession.

SECTION 2. It shall be unlawful for any person or persons to have in his or their possession to exceed ten pounds of wall-eyed pike, black bass or frog bass, weighing less than one pound each.

Penalty.

SECTION 3. Any person or persons violating any of the provisions of this act, shall, upon conviction thereof, be subject to a fine of not less than ten dollars nor more than fifty dollars, together with costs of prosecution, for each and every offence, and shall be commited to the county jail until such fine and costs are paid, or the offender or offenders are discharged by law.

Justices of peace to have jurisdiction.

SECTION 4. Justices of the peace shall have jurisdiction to hear, try and determine all cases and actions arising under the provisions of this act, and all fines received under the provisions of this act shall be paid into the school fund.

Ch. 412, laws 1887, repealed.

SECTION 5. Chapter 412, of the laws of 1887, is hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1889.

[No. 404, S.] [Published April 15, 1889.]

CHAPTER 372.

AN ACT to authorize Henry J. Rogers and Aug. L. Smith, to build and maintain a dam across Fox river, in Outagamie county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Henry J. Rogers and Aug. L. Smith, and their successors and assigns are hereby authorized to build and maintain a dam across Fox river from lots six and seven, in section twenty-four, south of the river, to lots two and three, in section twenty-two, north of the river, in township twenty-one north, of range eighteen east of fourth principal meridian, and to make use of the hydraulic power furnished by said dam. Authorizing Henry J. Rogers et al to build dam across Fox river, Outagamie county.

SECTION 2. Said dam shall not exceed in height twenty-eight feet nor raise a head to exceed twenty-two feet. Height.

SECTION 3. Said dam shall have a spill including needle dam or sluiceway of not less than seven hundred feet in length, and shall have a sluiceway or needle dam in same to discharge water in time of freshets of length of two hundred and fifty feet at least, and depth of five feet at least below the line of the main spill thereof. To have spill and sluiceway.

SECTION 4. Chapter 146, of the revised statutes of 1878, commonly called the "mill dam law," shall be, and is hereby declared to be applicable to any dam which may be maintained by virtue of this act. Ch. 146 R. S. to apply.

SECTION 5. The power to alter or repeal this act is hereby reserved. Right reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1889.

[No. 219, S.] [Published April 15, 1889.]

CHAPTER 373.

AN ACT to amend chapter 22, of the laws of 1887, entitled, "an act to amend chapter 258, of the laws of 1883," entitled, "an act to provide for the annual publication of a railroad map, and appropriating money therefor."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Railroad map. Annual publication.

SECTION 1. Section 1, of chapter 22, of the laws of 1887, amendatory of chapter 258, of the laws of 1883, is hereby amended so as to read as follows: Section 1. There shall be published annually, under the supervision of the railroad commissioner, ten thousand copies of the railroad map of Wisconsin, of which five thousand copies shall be mounted on muslin and provided with rollers, to be distributed by the state superintendent of public instruction among the schools of the state, two thousand copies shall be likewise mounted on muslin and provided with rollers, to be apportioned and delivered to the members of the legislature, and the remaining three thousand copies shall be unmounted and distributed by the railroad commissioner; and a sum of money sufficient to carry out the provisions of this act is hereby appropriated out of any money in the treasury not otherwise appropriated.

Distribution of.

Appropriation.

SECTION 2. This act shall take effect and be in force at once after its passage and publication.

Approved April 12, 1889.

[No. 203, S.] [Published April 15, 1889.]

CHAPTER 374.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 293, S.] [Published April 15, 1889]

CHAPTER 375.

AN ACT relating to electric light companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Electric light companies to provide against injury to persons and property.

SECTION 1. It shall be the duty of each and every electric light and power company, and of each and every person engaged in the transmission of electrical energy within this state, to provide by suitable insulation, return wires or other means against injury to persons or property by leakage, escape or induction of any and every current of electricity.

Injunction may be had for neglect.

SECTION 2. Neglect of any of the above provisions shall entitle the person or corporation injured thereby to a preliminary injunction, preventing further use of such current until said section 1, has been complied with.

SECTION 3. This act shall take effect and be in force from and after its passage and publication Approved April 15, 1889.

[No. 430, A.] [Published April 18, 1889.]

CHAPTER 376.

AN ACT to change the name of the Milwaukee County Asylum.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Changing name of Milwaukee County Asylum to Milwaukee Hospital for Insane.

SECTION 1. The name of the Milwaukee County Asylum for the Insane is hereby changed to the Milwaukee Hospital for the Insane.

Effect of change.

SECTION 2. Nothing in this act shall be construed so as to affect the legal status of said institution, except in respect to the change of name.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 602, A.] [Published April 23, 1889.]

CHAPTER 377.

AN ACT to authorize the city of Milwaukee to issue bonds known as "Milwaukee city bridge bonds."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May issue $50,000 of bridge bonds.

SECTION 1. The common council of the city of Milwaukee is hereby authorized to provide by ordinance for the issue of corporate bonds of said city, and to issue such corporate bonds to the amount not to exceed fifty thousand dollars, payable in not more than twenty years, bearing interest not exceeding the rate of five per cent. per annum, which bonds shall be called "Milwaukee city bridge bonds," and shall be used exclusively to provide means for the repairs of the several bridges in said city of Milwaukee.

SECTION 2. The bonds hereby authorized to be issued shall be signed by the mayor and clerk of said city, and sealed with the corporate seal, countersigned by the comptroller and attested by the commissioner of the public debt, and shall in terms be made payable in the lawful money of the United States of America, in the city of Milwaukee or New York, and such bonds shall each be for the principal sum of one thousand dollars, or five hundred dollars, or one hundred dollars, or registered bonds to the amount of ten thousand dollars each, and shall have coupons or interest warrants attached thereto for the semi annual payment of interest thereon, which bonds and coupons shall be numbered in the manner designated by the comptroller of said city. How issued.

SECTION 3. All bonds to be issued under the provisions of this act, shall be delivered to the commissioners of the public debt, appointed under chapter 87, of the general laws of 1861, and the office of commissioners of public debt shall continue, and such commissioners shall be appointed form time to time, in pursuance of the provisions of that act, while any of the bonds issued under this act or under that act, shall remain outstanding and all of the provisions of sections 2, 6, 7, 8, 9, 10, 11 and 17 of that act, so far as the same may be applicable and not inconsistent with this act, shall apply to all bonds to be issued under this act, and are hereby incorporated into this act as a part thereof, it being the true intent and meaning of this act to provide for the bonds hereby authorized in the same manner as the bonds authorized by that act are provided for, in the sections thereof last mentioned. To be delivered to commissioners of public debt.

SECTION 4. The bonds provided for in this act shall be executed and issued from time to time, at such times and in such amounts as may be determined by the common council of the city of Milwaukee, and shall be sold and disposed of by the commissioners of the public debt, and the proceeds thereof paid from time to time into the treasury of said city, and said proceeds shall constitute a separate and distinct fund in the treasury, and be paid out and applied exclusively for the purposes stated in the first section of this act. Council to regulate issue of.

SECTION 5. A tax upon all the taxable property, real and personal, in said city, shall be an-

Tax to be levied for interest and sinking fund.

nually levied by the common council sufficient to pay the annual interest on all bonds issued under the provisions of this act and outstanding, and for twenty years before the principal of the bonds hereby authorized shall become due, a tax equal to five per cent. of the principal of the bonds actually issued, shall be annually levied by the common council for a sinking fund to pay the principal of such bonds.

When commissioner to cancel.

SECTION 6. As soon as a sinking fund shall be actually collected for the said bonds, the commissioners of the public debt shall proceed, annually, in the cancellation of the bonds, in the manner provided for in sections 10 and 11, of chapter 87, of the general laws of 1861, in regard to bonds issued under that act.

To report to council.

SECTION 7. The commissioners of the public debt shall, from time to time, or when requested by the common council, report to the common council of said city the sale or other disposition of all bonds authorized by this act.

To be publicly cancelled.

SECTION 8. All bonds paid or otherwise retired shall be forthwith marked "cancelled," by the commissioners of the public debt, and by them returned to the common council of said city, who shall forthwith publicly cancel the same.

Not to be sold for less than par.

SECTION 9. The commissioners of the public debt are hereby prohibited from selling or otherwise disposing of any of the bonds authorized by this act, to be issued at a less rate than par, that is to say, for less than the principal of such bonds with accrued interest.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 297, S.] [Published April 19, 1889.]

CHAPTER 378.

AN ACT relating to proceedings to enforce liens on logs in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In actions to enforce liens on logs or timber where the logs have been marked, the officer having the writ of attachment or execution shall make his levy by indorsing on or annexing to the writ of attachment or execution his certificate that by virtue of said writ he has levied on the logs described in the writ, specifying the number of feet (as near as may be) taken to satisfy the amount due the plaintiff mentioned in the writ, specifying the amount with costs and disbursements, and by filing a certified copy of said writ of attachment or execution with his certificate in the office of the lumber inspector where the logs are scaled; provided, however, when a levy is made by virtue of a writ of attachment in the action no further levy after judgment shall be necessary, but such levy shall continue until the lien claim is satisfied.

Officer may make levy on logs by annexing or indorsing certificate on writ.

What to state.

To file certified copy or writ, etc., with lumber inspector.

SECTION 2. When the levy is made in the manner above specified, the officer who made the levy or having the execution shall be deemed to be in possession of the number of feet of said mark of logs or timber specified in the certificate on or annexed to the attachment or execution, and if a sale of said logs is made it shall not be necessary for the officer making the sale to be in view of said logs.

Officer to be deemed in possession.

SECTION 3. After the making of the levy as before specified, any person sawing, buying or using any of the mark of logs levied on before the lien claim is satisfied, shall be liable to the lien claimant or the officer who made the levy or having the execution on the logs, for the amount claimed, togther with the costs and disbursements.

Subsequent parties liable.

SECTION 4. The person purchasing at officer's sale may claim the amount by him purchased, to be taken from said mark of logs wherever the

Purchaser at officer's sale.

same can be found, or may recover the full value thereof from any person that shall have sawed or used any of said logs subsequent to the levy.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 258, S.] [Published April 23, 1889.]

CHAPTER 379.

AN ACT to amend section 1808, of chapter 87, of the revised statutes, entitled, "of railroads," as amended by chapter 107, of the laws of 1887.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 1808, R. S.

SECTION 1. Section 1808, of chapter 87, of the revised statutes, is hereby amended by adding after the word, "proceed," in the twenty-second line of said section, the following words: "or if said draw-bridge be provided with an interlocking arrangement which prevents the bridge being unlocked until a distance signal is set indicating danger, or said bridge is supplied with a mechanical device, works, fixtures or appliances so as to render it safe to cross over said bridge without stopping, and the plan of such works, fixtures or appliances, shall first be filed with the railroad commissioner and be approved by him;" and further amend said section by adding after the word, "crossing," in the thirty-fifth line the words, "or draw-bridge," so that section, when so amended, will read as follows: Section 1808. Every train of cars and every locomotive about to cross the track of another railroad shall come to a full stop before arriving at or crossing the track of such other, and within four hundred feet thereof; and the train or locomotive arriving near said crossing first, shall cross and move on first; and every such train or locomotive shall also come to a full stop before crossing or running upon any draw-bridge, over a stream

When may cross draw-bridge or railroad crossing without stopping.

which is regularly navigated by vessels during the season when such stream is so used for navigation, and the use of such draw is necessary for the passage of boats, vessels and other crafts navigating the waters of such stream, at a distance from such bridge of not more than six hundred feet; provided, that no such stop need be made before crossing such draw-bridge or railroad crossing of railroads, operated by the same company, if, at the time an employe of the company shall be standing on such bridge or crossing with a proper light by night, or flag by day, and signal such train to proceed, or if said draw-bridge be provided with an interlocking arrangement which prevents the bridge being unlocked until a distance signal is set indicating danger, or said bridge is supplied with a mechanical device, works, fixtures or appliances so as to render it safe to cross over said bridge without stopping, and the plan of such works, fixtures or appliances shall first be filed with the railroad commissioner and be approved by him, and, provided, that where any railroad tracks cross each other, whether the same are owned or operated by the same company or by different companies, and such company or companies shall have placed or erected at such crossings any works, fixtures or appliances so as to render it safe to pass over such crossings without stopping, and such works, fixtures or appliances shall first be approved by the railroad commissioner, and the plan thereof shall have been filed with the railroad commissioner, then and in that case the provisions of this section requiring trains and locomotives about to pass over such crossing or draw-bridge to come to a full stop before arriving at or crossing the same shall not apply.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 201, S.] [Published April 18, 1889.]

CHAPTER 380.

AN ACT relating to enforcement of judgments affecting real property, and for the transmission of the judgment rolls, papers, entries, orders and minutes in actions affecting real property from the county wherein judgment is rendered to the county wherein such property is situate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judgments affecting real property.

Section 1. Whenever a judgment affecting real property shall be rendered in any county other than that in which the property affected thereby is situate, the court in which such judgment was rendered may, at any time thereafter, order that the judgment roll in the action wherein said judgment was rendered, with all papers filed therein and copies of all entries, orders and minutes made therein shall be by the clerk of said court certified and transmitted to the clerk of the circuit court of the county wherein such property is situate; or such court wherein such judgment was rendered may instead order that certified copies of such judgment roll, papers, orders, entries and minutes be so transmitted, and upon the filing of such original judgment roll, papers and copies of orders, entries and minutes, or of such certified copies in the office of the clerk of the circuit court of such county wherein such property is situate all proceedings for the enforcement or carrying into effect of such judgment may be had in the circuit court for the county in which said property is situate, with the same force and effect as if said judgment had been originally entered therein; provided, that this section shall not be construed as depriving the court wherein said judgment was rendered of concurrent jurisdiction of proceedings to enforce and carry such judgment into effect when certified copies of the judgment roll and papers, instead of the original judgment roll and papers, shall be so transmitted.

Court may order judgment roll, etc., filed in clerk's office of county where real estate affected situate.

Effect of.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 194, S.] [Published April 19, 1889.]

CHAPTER 381.

AN ACT relating to the assessment of personal property, and providing penalty for making false statement to the assessor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for withholding or making false statement to assessor concerning property liable to assessment.

SECTION 1. Any person, firm or corporation in this state owning or holding personal property of any nature or description, individually or as agent, trustee, guardian, administrator or receiver, which property is subject to assessment and not exempted as otherwise provided, who shall at the time when the assessment is made in any one year, intentionally make a false statement to the assessor of his respective assessment district or to the board of review thereof, for the purpose of avoiding the payment of the just and proportionate taxes thereon, shall, upon conviction thereof, forfeit the sum of ten dollars for every one hundred dollars, or major fraction thereof so withheld from the knowledge of the assessor and the statement so made in any one year.

District attorney to prosecute.

SECTION 2. It is hereby made the duty of the district attorney of any county in this state, upon complaint made to him by any tax-payer of the respective assessment district in which it is alleged that property has been so withheld from the knowledge of the assessor, or not included in said statement, to investigate the case forthwith, and bring an action in the name of the state of Wisconsin against the person so complained of, according to chapter 142, of the revised statutes, of the year 1878, and if it shall be found that the defendant is liable under the provisions of section 1, of this act, then the court shall render judgment thereon against the defendant for the forfeiture prescribed in the preceding section, together with the cost of prosecution, and collect as prescribed in said chapter 142, of the revised statutes.

SECTION 3. All forfeitures collected under the

Forfeitures to be paid into county treasury.

provisions of this act shall be paid into the county treasury of the respective county.

Assessor not to accept statement unless properly subscribed and sworn to before him.

SECTION 4. Any assessor who accepts any such statement as is required by section 1056, of chapter 48, of the revised statutes, in regard to moneys, notes, bonds, mortgages or other securities and evidence of credit for which any person should be assessed without being before him properly sworn to and subscribed by the person making the same, shall be punished by fine not less than one hundred nor more than three hundred dollars.

Penalty.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No 104, S.] [Published April 19, 1889.]

CHAPTER 382.

AN ACT to transfer the duties of the state agent for pensions to the adjutant general of the state, and to fix his compensation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Adjutant general to perform duties of state pension agent.

SECTION 1. It is hereby made the duty of the adjutant-general to assist all persons residing in the state of Wisconsin having claims against the United States for pensions, bounty or back pay, where such claims have arisen out of, or by reason of service in the war of the rebellion. To this end the said adjutant-general shall co-operate with the agents or attorneys of said claimants, advise as to the legality of claims, furnished to claimants only all necessary certificates and certified abstracts from and copies of records and documents in his office and in all practicable ways seek to secure speedy and just action upon all claims now pending or which may be hereafter filed. He shall also, in cases where it may be expedient, act as the agent or attorney of record in prosecuting claims for such of the persons before

described as may request him so to do. Provided, however, that for any services rendered pursuant to the provisions of this act neither the said adjutant-general nor any of his assistants or clerks shall make any charge, or demand or receive from the said claimants or any of them, directly or indirectly, any pay or compensation whatever.

No charges to be made.

SECTION 2. In consideration of the additional duties devolved upon him, the adjutant-general shall hereafter receive a compensation of two thousand dollars per annum, and also his necessary expenses, which shall not exceed the sum of five hundred dollars annually, while absent from his office on official business, which shall be payment in full for all services rendered by him under this or any other law of the state, and the same shall be audited and paid in the same manner as the salaries and expenses of other state officers are audited and paid. The adjutant-general and the quartermaster-general also shall each be furnished with all necessary stationery and postage for the use of their respective offices, and there is hereby annually appropriated out of the general fund a sum sufficient to carry out the provisions of this act.

Compensation.

To have necessary stationery—same Q. M. G.

Appropriation.

SECTION 3. The present state agent for pensions shall forthwith transmit to the adjutant-general all books, records and papers in his possession pertaining to his said office.

Pension agent to transmit records, etc.

SECTION 4. Chapter 144, of the laws of Wisconsin, for the year 1885, and all other laws and parts of laws inconsistent with the provisions hereof, are hereby repealed.

Ch. 144, laws 1885, repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 322, S.] [Published May 11, 1889.]

CHAPTER 383.

AN ACT to amend chapter 525, of the laws of 1887, entitled, "An act to amend chapter 442, of the laws of 1885, entitled, "an act to provide for drainage and reclamation of certain lands in Dane county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings, how instituted for reclamation of certain lands, etc., in Dane county.

SECTION 1. Whenever twenty-five or more owners of wet or overflowed lands, which, in their opinion, will be benefited by the system of drainage, and subject to the assessment hereinafter provided, and who shall be of the opinion that the public health or welfare will be promoted thereby, shall desire to institute proceedings for the drainage and reclamation of lands in such part of Dane county, either by constructing, extending, opening, enlarging, widening, straightening or deepening water-courses, or removing natural or artificial obstructions therefrom, or by permanently lowering the ordinary level of the water in any or all of the six lakes in said county known as lakes Mendota, Monona, Waubesa, Kegonsa, Wingra and Mud lake, they may apply to any court of record for Dane county, at any term thereof, or to the presiding judge thereof, by petition, for the institution of such proceedings, and the appointment of three commissioners, to be known as drainage commissioners of drainage district number one of Dane county. Such petition shall specify, in general terms, the nature of the improvements desired to be made, as near as may be, without preliminary survey, the amount of lands to be benefited thereby, the benefits to the public health or convenience, and to private property, which, it is believed, will result from such system of drainage, and that such system of drainage is practicable. The petition shall also specify in general terms, the streams, lakes or water-courses proposed to be dredged, widened, deepened, straightened or altered in course, and the lakes to be lowered, and to what

Petition to be verified and filed.

extent, and the principal obstructions to be removed, as far as known to petitioners; and that, in the belief of the petitioners, the costs, damages and expenses will be less than the benefits which will result to the owners of the lands likely to be benefited thereby; and if any town or city, as a whole, will be benefited by such system of drainage, the petitioner may so state, setting forth the nature of such benefits. The common council of the city of Madison may join in said petition in behalf of said city, and town board may join in the same, being thereto first duly authorized by a vote of said town. Said petition may also inform the court of any other matters relative or pertinent to the matter. Such petition shall be verified by the oath of one or more persons, and shall be filed with the clerk of said court.

Judge to appoint time and place for hearing—when.

SECTION 2. Upon the filing of such petition the court or presiding judge thereof, shall make an order prescribing the notice to be given of the time and place of hearing the said petition, which notice shall be given to all parties interested, by publication of the same in one or more newspapers published in said county for not less than once in each week for four successive weeks before the date fixed for the hearing. On presenting such petition with due proof of publication of the notice as required by said order, the court or presiding judge shall make an order appointing three disinterested and competent freeholders as commissioners, and the said court or judge shall then and there fix the time and place for the first meeting of the commissioners. The commissioners shall, before entering upon their duties, take and subscribe an oath that they will support the constitution of the United States and the constitution of the state of Wisconsin, to faithfully discharge their duties as commissioners to the best of their ability, and vacancies happening in the commission shall be filled in like manner by the said court or judge, and the removal of any commissioner from the county shall vacate his office; and each commissioner shall execute a bond before entering upon the duties of said office as such commissioner to be filed with the county clerk as obligee for the benefit of all persons interested, in amount and with sureties to be approved by the court or presiding judge, conditioned

Appointment of commissioners.

Duties.

to the faithful discharge of his duties as such commissioner and the faithful accounting for and application of all moneys which shall come to his hand as such officer. The county clerk shall, upon due qualification of the commissioners, issue to them a certified copy of the order for their appointment.

County clerk to issue certificate to commissioners.

Meeting of commissioners to take oath of, file bond.

SECTION 3. Upon the day fixed for the first meeting of said drainage commissioners, said commissioners shall meet at the time and place fixed by said order and shall qualify by taking the requisite oaths and filing the bond required by this act. After said qualification of said commissioners, provided said petitioners shall file with the county clerk a bond to said commissioners with good and sufficient sureties to be approved by said county clerk, conditioned to pay all expenses incurred in case said commissioners shall decide against said system of drainage, said commissioners shall place a copy of the original petition in the hands of some competent engineer to be by them selected, who shall without delay, taking with him the necessary assistants, proceed to make an accurate survey of the route of said proposed system of drainage, and of all the lands tributary to said lakes and to the Catfish river, and which will be affected by said proposed system of drainage, and on the completion thereof, shall return to the county clerk a plat and profile of the same, with a description of the proposed route, its availability, and of each separate tract of land through which the drain will pass, or which will be affected by said system of drainage, its situation and level as compared with adjoining lands, and the obstructions necessary to be removed, and such other facts as he shall deem material, and such specifications as shall be necessary for the construction of the proposed work. Thereupon said commissioners shall cause a notice of the pendency and prayer of said petition, and of the time and place of hearing the same, and a general notice of the object of said petition, to be published for at least three successive weeks before said hearing, in some newspaper published in said county.

Bond to commissioners.

Duties.

Notice of hearing to be given.

May cause further survey to be made, when.

SECTION 4. On the day fixed by such notice for the hearing of such petition or on some other day to which such hearing may be adjourned,

said board of commissioners, after hearing the parties interested in the same who shall appear, shall decide upon said petition, and if they shall be of the opinion that the public health or welfare will be thereby promoted, and shall decide favorably upon the intended work, they shall make an order therefor and cause a further survey to be made if necessary and a map and plan, specifications and estimates thereof to be made, and shall cause such orders, plans, specifications and surveys to be filed with the county clerk of Dane county, who shall keep and file a complete record of all proceedings in each such case; and said lands affected by said system of drainage shall be and constitute a district to be called the first drainage district of Dane county, and the county clerk shall be clerk of said drainage commissioners of said district. All damages for lands taken for the purposes of said drainage system and all damages to property of any kind in the reduction or removal of dams or water-powers may be fixed by agreement in writing between the owner thereof and said board of commissioners, and shall be filed with the county clerk, which agreement shall forever preclude such owner and all persons claiming under him from all further claim for damages. Said drainage commissioners shall make an award in writing of damages to every owner of lands so taken, which shall not have been so agreed upon, and file the same in the office of the county clerk within thirty days after filing the order directing such system of drainage to be made.

Awards, how made.

SECTION 5. As soon as the plans for the work have been determined, the commissioners shall proceed to make special assessments for benefits by classifying the lands in the district in tracts of forty acres, more or less, according to the legal or recognized subdivisions on a graduated scale, to be numbered according to the benefits to be received by the contemplated drainage. The tracts of land which will receive most and about equal benefits shall be marked "one hundred," and such as are adjudged to receive less benefits shall be marked with a less number, denoting its per cent. of benefit. This classification, when established, as hereafter provided, shall remain as a basis for such levy of taxes as may be needed

Special assessments for benefits to be made, classification of.

for the lawful and proper purposes of the drainage district.

Notice to be served on parties owning lands likely to be affected.

SECTION 6. The commissioners shall cause to be personally served upon all parties owning land to be affected by the proposed work, or other property liable to be taxed under this act, and residing in the county, a written or printed notice of the time when, and place where they will meet to hear any and all objections that may be made to the classification of lands on the graduated scale, which notice shall be served, in case of residents in the county, not less than ten days before the time set for hearing, and in the same manner as is provided by law for service of summons in circuit court; and the commissioners shall cause to be sent by mail such notice to all owners who do not reside in the county, whose land is to be affected, in case their post-office address is known to the commissioners, or any of them, or can be ascertained by use of reasonable diligence; and in case the land of any non-resident is to be affected, then publication shall be made in some newspaper published in said county, for three successive weeks prior to the time of such hearing, and such meeting to hear objections may be adjourned from day to day by public announcement of the commissioners, made at the meeting until all objections are heard; and all persons duly notified of the first day of meeting, as hereinbefore provided in this section, shall take cognizance of all such adjournments without further notification. The affidavit of any creditable person or persons that he has or they have posted such notices hereinbefore required, and the certificate of the publishers of such newspaper as to such publication, shall be prima facie evidence of such facts.

Review by commissioners.

SECTION 7. At the time of meeting for review the commissioners shall hear whatever objections may be urged by any person interested, and if satisfied that any injustice has been done in the classification of the several tracts of land, or any of them, they shall correct the same in accordance with what is right; but if not so satisfied, they shall leave the classification as first made and enter an order to that effect. Any person appearing and urging objections, who is not satisfied with the decision of the commissioners, may

appeal from their decision as hereinafter provided within ten days after the decision of the commissioners was rendered, by filing with the county clerk a notice of appeal and bond with security to be approved by said county clerk conditioned to pay such tax as may finally be levied upon the land in question and the costs occasioned by the appeal, in case the commissioners shall be sustained. The appeal shall contain a description of the lands, the classifications, as determined by the drainage commissioners and shall fix a certain time and place, not less than six nor more than ten days after the date of the filing thereof, at which the appellant will apply to the county judge for a jury to determine said classification.

Appeal may be taken.

Notice and bond to be approved by county clerk.

SECTION 8. At the time and place mentioned in such notice, the county judge shall make a list of fifteen disinterested freeholders of the county, not of kin to any of the owners or occupants of said land described in said notice of appeal. Each party may object to five on such list, and if none of the commissioners be present, the county judge shall strike off five names for the commissioners and shall thereupon issue a precept to the sheriff or any constable of said county, directing him to summon the five persons named in said list not objected to by the parties to meet at the time and place to be specified in said precept, to fix the classification of said land. At the time and place appointed for the appearance of said jury, they shall be sworn by the county judge or by any officer authorized to administer oaths, justly and impartially to make such classification, and they shall examine the same and hear the allegations and testimony in opposition and support of the same and may, if they deem it necessary, visit the district and view the lands. If they find the tracts of land in question are marked too high or too low in the classification, they shall correct the errors, but if no injustice has been done, they shall confirm the classification as made by the commissioners, their final determination shall be made in writing and filed with the county clerk. The classification, when established, as hereinafter provided, shall be recorded with other papers in a book to be kept by the county clerk as the drainage record and shall be conclusive.

County judge to make list and issue precept to jury, to fix classification.

Commissioners may order necessary funds to be raised by special assessment.

SECTION 9. The commissioners by resolution shall order such amount of money to be raised by special assessment upon the lands of the district as may be necessary and such amount shall be apportioned among the several tracts in the name of owner when known, according to acreage of each and its figure of classification on the graduated scale, so that each tract may bear its equal burden in proportion to benefits. They shall make out a special assessment roll, hereinafter designated tax list, setting down in separate columns the owners' names, when known, and when unknown, stating unknown, a description of the land, the number denoting the classification, the tax, the damages allowed, if any, or any other credit to be given to the owner. The balance of tax over credits or of damages or other credits over the tax showing the amount due to the district, by each land owner on the separate tracts, or, due to the land owner by the district shall be set down in final columns. When completed the list shall be filed with the county clerk.

SPECIAL ASSESSMENT TAX LIST.

Form of list.

Owner's Name.	Description of Land.				No. classification on scale.	Tax levied.		Total Credits.		Balance due District.		Balance due Owners.		Remarks.
	Sec.	Tp.	R.	Ac's.		Dol	Cts	Dol	Cts	Dol	Cts	Dol	Cts	

Appeal may be taken on ground that tax exceeds benefits.

SECTION 10. Any party against whose land a tax has been thus levied, may, within ten days after the list has been deposited with the county clerk, appeal as hereinafter provided, by filing a bond in double the amount of tax appealed from, in the county clerk's office, but the appeal shall be upon the ground only that such tax is a greater amount than the benefits to accrue to the lands in ques-

tion by the proposed drainage; provided, that in any proceedings under this act, where the costs have been unnecessarily or improperly made, such costs may be adjudged against the party making the same, but the taking of any appeal by any person or persons, as herein provided, shall not operate to delay the collection of any tax from which no appeal has been taken, nor delay the progress of the work.

Appeal from decision of commissioners, how taken.

SECTION 11. When any person shall have been aggrieved by any decision of the commissioners awarding him damages on account of property taken or for the destruction or removal of any dam or the interference with any right of flowage or any other injury to real estate on account of said system of drainage by the imposition of any tax as provided in the next preceding section, he may appeal from the action of the commissioners herein, as follows: Within ten days after the filing with the county court of the decision of the commissioners fixing any such damages or levying any tax as herein provided, he shall file with the county clerk a bond conditioned to pay all costs of said appeal, not exceeding the sum of two hundred and fifty dollars. said bond to be with security approved by the county clerk and a notice, setting forth the land which is affected by said decision or action of said commissioners, and the action of the commissioners with respect thereto, at which he is aggrieved. Said notice shall also specify the time and place in which said person will apply to the county judge of the said county for the drawing of a jury to assess said damages or establish said tax, as hereinafter provided. At the time and place mentioned in said notice, the county judge shall make a list of fifteen disinterested, resident freeholders of the county, not of kin to any of the owners or occupants of said lands described in said notice of appeal. Each party may object to five on said list and if none of the commissioners be present, the county judge shall strike off five names for the commissioners and shall thereupon issue a precept to the sheriff or any constable commanding him to summon the five persons named in said list, not objected to by the parties, to meet at the time and place to be specified in said precept, to appraise the damages

County judge to issue precept.

sustained by the owner or owners appealing from the action of said commissioners, as aforesaid. At the time and place appointed for the appearance of said jury, they shall be sworn by the county judge, justly and impartially to make such appraisal of damages or to determine such tax, and shall, if they deem necessary, proceed to view the premises in question and hear the statements and proposition of the parties, and they shall make their return of their appraisal to the county judge, which shall be certified by said judge and filed with the county clerk, with the awards of the commissioners aforesaid, and if the amount of the appraisal by said jury shall exceed the amount awarded by the commissioners or if said tax shall be decided in favor of said appellants, the costs and expenses shall be paid by the commissioners from the funds belonging to said drainage commission, otherwise by the appellant. Either the commissioners or the party aggrieved may appeal to the circuit court for Dane county from the decision of said jury, taking such appeal in the same manner, with the same notice and affidavit as an appeal is taken from a judgment of a justice of the peace; but said appeal shall be brought to trial in the circuit court for Dane county and tried therein the same as any appeal cases from justices of the peace as aforesaid, and shall thereafter be deemed an action pending in said circuit court, subject to all the rules of practice and to all the rights of appeal to the supreme court as shall pertain to actions in the circuit court, the costs and expenses to follow the final determination of said appeal.

Appeal not to operate to delay collection of tax.

SECTION 12. The taking of any appeal by any person or persons as herein provided, shall not operate or delay the collection of any tax from which no appeal has been taken, nor delay the progress of the work.

Tax may be paid by installments.

SECTION 13. It shall be competent for the commissioners to order the tax to be paid in installments of such amounts and at such times as will be convenient for the accomplishment of the proposed work; otherwise, the whole amount of such tax shall be payable immediately upon such confirmation, and shall be a lien upon the lands assessed until paid; and such taxes shall draw

interest at the rate of eight per cent. per annum from the time they shall become payable till they are paid, and such interest may be collected and enforced as part of the taxes.

Interest.

SECTION 14. Immediately after the commissioners shall have filed their tax list, the county clerk shall make out and certify to the county treasurer a copy of said tax list; and the said county treasurer shall be, ex-officio, the treasurer of said drainage funds, and shall execute a bond to the state of Wisconsin for the use of all persons interested, in a sum not less than twice the amount of taxes levied, conditioned for the faithful performance of his duties as treasurer of said drainage district, and that he will faithfully account for all money that, by virtue of said office, shall come to his hands. Such bond shall be with such sureties as may be approved by the commissioners, and said bond shall be kept and preserved in the office of the county clerk. In case the said county treasurer shall fail to give such bond, as treasurer, the commissioners may appoint a treasurer, who shall be treasurer of said drainage district until the said county treasurer or his successor shall give such bond.

Clerk to certify list to county treasurer.

Bond.

When commissioner may appoint a treasurer.

SECTION 15. It shall be the duty of the treasurer of said drainage district to keep, in proper books to be furnished him by the commissioners, an accurate account of all moneys received by him and all disbursements of the same. He shall pay out no money except upon the order of a majority of the commissioners, and he shall carefully preserve on file all orders for the payment of money, and as often as required by the commissioners shall render a correct account to them of all matters pertaining to his office, with the vouchers and other papers and records in his possession as such treasurer, verifying the same, and he shall turn over all books, papers, vouchers, money and property belonging to and in his hands or under his control as such treasurer, to his successor in office, and the commissioners shall have the right to examine the same at all times.

Duties of treasurer.

SECTION 16. It shall be the duty of the county treasurer to certify to the respective town, village and city treasurers a list of all taxes levied and assessed upon lands in the respective towns, villages and cities wherein the same shall be and

County treasurer to certify list of all taxes levied and assessed for drainage.

of the amount thereof assessed against each separate tract for the purposes of said drainage district, at the usual time and in the usual manner as provided by the general laws for the collection of county taxes, and said town, village and city treasurers shall collect the same in the usual manner and at the usual time, as provided by the general laws for the collection of county taxes, and shall return the same in the same way to the county treasurer, and the treasurers of said towns, villages and cities shall make out a certified list of all delinquent lands upon which the taxes or any installment or any part thereof remains unpaid, and the same shall be by him, on or before the day fixed by law for the returning of the list of delinquent taxes, returned to the county treasurer of said county. And the like proceedings shall be had, and with like force and effect in the collection of said delinquent tax or installment, and the sale of said lands for the non-payment thereof, as in ordinary collections of state and county taxes and the sales of real estate by them, for such non-payment and of redemption from such sales. At the sale of lands for any delinquent drainage assessment or tax, the commissioners may become the purchasers or may designate or appoint some person to attend and bid at such sale on behalf of said district.

Delinquent taxes, how collected.

May enter upon lands or real estate, when.

SECTION 17. The said commissioners shall have the right to enter upon any land or real estate upon which they have procured said right by agreement, or upon which the damages shall have been ascertained and fixed, as provided by this chapter, for the purpose of prosecuting said work, the same as if said real estate shall have been actually condemned, but no injury shall be done to real estate, and no dam shall be removed or destroyed or interfered with in any way, until the damages as agreed upon, or as ascertained and fixed by this chapter, shall have been actually paid or deposited as hereinafter provided, subject to the order of the person to whom they belong. All excess, if any, of allowances for right of way, and damages over the amount of tax against the same person, shall be paid or tendered to the owners thereof, before the commissioners shall be authorized to enter upon said lands for the construction of any work thereon in case the

owner is unknown, or there shall be a contest in regard to the ownership of the land, or the commissioners cannot, for any reason, safely pay the same to the owner, they may deposit the same with the clerk of the circuit court and said court may order the payment thereof to such party as shall appear to be entitled to the same. The said commissioners may divide the ditch or ditches into sections, if they shall see fit, or they may let the entire work on one or more contracts; provided, that in case the work is on the farms or lands of two parties only, the amount on each shall be let separately, and the owners of the land shall have the preference where the bids are equal, to construct that part belonging to his own land.

Ditches may be divided into sections.

SECTION 18. As soon as practicable the commissioners shall cause notice to be given of the time and place of letting, and of the kind and amount of work to be done, and where plans of the same may be seen, by publication for twenty days in some newspaper printed or published in said county. Said bids shall be under seal, and the commissioners may reject any and all bids, and may continue the letting from time to time, if, in their judgment, the same be necessary, and may require the contractors to give approved bonds conditioned for the faithful performance of said work. Said commissioners shall not, during their term of office, be interested, directly or indirectly, in any contract for the construction, repair or maintenance of any work in such drainage district, nor in the wages nor supplies to men or teams employed on any work under their jurisdiction. Any person or persons taking any work under contract shall, on the completion thereof according to contract, be paid for such work by the treasurer, upon the order of the commissioners. If any person or persons to whom any portion of said work shall be let as aforesaid, shall fail to perform said work, the same shall be re-let in such manner as the commissioners may think best.

Notice of letting contracts for work.

How paid.

SECTION 19. In case any person from whom taxes are due contracts to do any work, and said work is done according to contract, the commissioners shall give such person a receipt for so much of said tax as said work amounts to, and

Receipt may be given owner for work done and applied on tax.

said receipt may be received by the treasurer as payment of so much of said tax.

Money may be used to compromise suits, etc.

SECTION 20. The commissioners may use money belonging to the district for the purpose of compromising suits and controversies arising under this act, and in employment of all necessary agents and attorneys in the prosecution or defense of said operations, and to pay all necessary employes; provided, the acts of the commissioners shall be uniform as to the rights of all persons and property.

May enter upon lands for purpose of making survey, etc.

SECTION 21. The commissioners may authorize any employes to go upon the lands lying within said district, for the purpose of examining the same and making surveys; and after payment or tender of compensation allowed may authorize all contractors with their servants, teams, tools, instruments or other equipments to enter for the purpose of constructing such proposed work, and may ever thereafter enter upon said lands as aforesaid for the purpose of maintaining or repairing such work, doing no more damage than the necessity of the occasion may require; and any person who shall wilfully prohibit or prevent any of the aforesaid persons from entering such lands for the purpose aforesaid shall be fined in a sum not to exceed twenty-five dollars per day for such hinderance, to be collected as other fines.

Penalty for preventing.

May use part of right of way of highways.

SECTION 22. The commissioners shall have the right to use any part of the right of way of any public highway, for the purposes of the work to be done; provided, such use will not permanently destroy or materially impair such public highway for public use; and if in the construction of said work any public highway or railroad, or any part of the same will be benefited, the commissioners may assess to such public road or railroad such sum or sums as will be just and equitable for such public road or railroad to pay in proportion to the benefits received; which shall be determined by estimating the amount of benefits to the entire district, including the benefits to such railroad or public road; and also the benefit to the railroad or the public road, then the fractional figures expressing the ratio between the sum of the benefits for the whole district, and the sum found to be the benefit to the railroad or public road, shall express the

Benefits, classification.

proportional part of the corporate taxes of the district to be paid by such railroad or public road as the case may be. Such proportional classification shall be subject to like review and appeals as is provided for individual land owners. The amount of such road tax shall be paid out of the road and bridge tax of the highway district of the town, village or city in which the public highway or part benefited lies. The commissioners shall have the power and are required to make all necessary bridges and culverts along or across any public highway or railroad which may be deemed necessary for the use or protection of the work, and the cost of the same shall be paid out of the road and bridge tax, or by the railroad company as the case may be; provided, however, notice shall first be given to the road or railroad authorities to build or construct such bridge or culvert, and they shall have thirty days in which to build or construct the same; such bridges or culverts shall in all cases be constructed so as not to interfere with the free flow of water through the drains of the district. Should any railroad company refuse or neglect to build or construct any bridge or culvert as herein required, the commissioners constructing the same may recover the costs and expenses therefor in a suit against said company before any justice of the peace or any court having jurisdiction, and reasonable attorney's fees may be recovered as part of the costs. The proper authorities of any public road or railroad shall have the right of appeal the same as provided for individual land owners.

Railroads or public roads.

To make necessary bridges, etc.—cost, how paid.

When railroad refuses or neglects to build bridge or culvert, commissioners to recover cost of.

Appeal.

SECTION 23. After the completion of the work the commissioners shall thereafter keep the same in repair; and if they find by reason of error in locating or constructing the ditches, or any of them, or from other causes the lands of the district are not drained or protected as contemplated, or some of them receive but partial or no benefit, they shall use the corporate funds of the districts to carry out the original purpose, to the end that all the lands so far as practicable shall receive their proper and equal benefits as contemplated when the lands were classified. If it be necessary to clear and enlarge natural or artificial channels lying beyond the boundaries

Repair.

May clear and enlarge channels.

of the district to obtain a proper outlet, the commissioners shall use the corporate funds for this purpose, and if the necessary privileges cannot be obtained for this by agreement, the commissioners may acquire the same by condemnation under the act for exercising the right of eminent domain; provided, in all such cases if sufficient funds are not on hand the commissioners shall make a new tax levy.

Penalty for injuring, filling up, etc., of drains or ditches.

SECTION 24. Any person who shall wrongfully and purposely fill up, cut, injure, destroy, or in any manner impair the usefulness of any drain, ditch or other work constructed, established or belonging to the drainage district for the purpose of drainage or protection against overflow, may be fined in any sum not exceding two hundred dollars to be recovered before a justice of the peace in the proper county. All complaints under this section shall be in the name of the state of Wisconsin, and all fines, when collected, shall be paid into the treasury of Dane county for the benefit of the school fund, and in addition to these penalties the person so wrongfully or purposely filling, or in any manner imparing the usefulness of any such drain or drains or other work, shall be liable to the commissioners having charge thereof for all damages occasioned to such work, and to the owners and occupants of land for all damages that may result to them by such wrongful act, which may be recovered before a justice of the peace, if within his jurisdiction, or before any court of competent jurisdiction.

Complaints, how made, fines to be paid into treasury.

Owner to repair injuries done by animals to ditches.

SECTION 25. Whenever an owner or occupant of land in the drainage district shall permit animals to pasture in an enclosed field through which runs an open ditch, which ditch is a part of a combined system of drainage, said owner or occupant shall repair such damage to the ditch as may be made by the animals, and if he neglects to do so, the commissioners shall make such repairs and require the said owner or occupant to pay the amount of the expense of such repairs to the treasurer of the district, and in case such owner or occupant shall neglect or refuse to so pay such amount for ten days after such requirement is made in writing, then said commissioners shall proceed to collect the same by a suit in law

in the name of such district before any court having jurisdiction.

SECTION 26. For a failure to perform any of the duties imposed upon them by the provisions of this act, the commissioners so failing shall individually, upon complaint made under oath by any person who has paid a tax for the construction, maintenance or repair of such work, be liable to a fine not exceeding one hundred dollars, to be recovered in an action in the name of the state of Wisconsin, before any justice of the peace in the county, and all fines, when collected, shall be paid into the treasury of Dane county for the benefit of the school fund.

Commissioners to be individually liable for neglect.

SECTION 27. Any and all assessments or levies hereafter made under the provisions of this act, shall be taken, held and considered to be a lien upon each and every tract of land or property assessed in such district to the extent and amount of the proportionate share assessed or levied against the same, but such land or owner thereof, shall not be liable for more than such proportionate share and the subsequent levy or levies for construction, and for the payment of interest or repairs, which lien may be discharged on the payment of the amount thereof to the treasurer of said district at any times before notes or bonds of the district are issued on the assessment. In case the owner or owners of any lands lying in said district, and which are assessed, fails or neglects to pay any assessment or assessments, installment or installments, tax levy or levies, when due, and the same be not collected on or before the annual sale of lands for non-payment of taxes, the commissioners of such drainage district may file a petition in the circuit court for a foreclosure of such lien; and the commissioners may proceed in their corporate name and capacity to foreclose such lien as provided by law for the foreclosure of a tax certificate. They may also commence and maintain suits at law for the recovery of judgment against the person or party whose lands or property is assessed for benefits for any assessment or tax, or any part thereof, which remains due and unpaid on the lands and property of such person or party. Any judgment so recovered may be enforced and collected as other judgments in the same court.

Assessments or levies to be a lien on land.

The remedy provided in this section for the collection of delinquent special assessments or taxes, shall not be construed to abridge or in any manner interfere with the right and power to enforce collection of any delinquent assessment or tax in the manner provided by the tax laws of this state, or other provisions of this act, but the remedy herein provided shall be taken and held as an additional means to enforce payment of such delinquent assessment or tax.

Compensation of commissioners.

SECTION 28. Each of the commissioners provided for in this act shall receive three dollars per day for the time actually and necessarily employed in the discharge of the duties of his office. They shall make out their accounts under oath, and their accounts shall be presented to and allowed by the judge of the county court; and the amount allowed by the said court shall be paid out of the funds of the district for which the services were rendered, and a majority of said commissioners shall have power to act and decide upon all matters pertaining to said drainage proceedings. The treasurer and clerk shall receive for their services such sums as may be fixed by the commissioners, not to exceed three hundred dollars each for their services in any one year. All fees and allowances shall be paid out of the funds of the district.

To be allowed by county judge and paid out of drainage fund.

Majority to decide.

Commissioners to fix compensation of treasurer and clerk.

New commissioner may be appointed.

SECTION 29. In case, after the completion of said work and the termination of office of said original commissioners appointed under this act, it should be necessary to repair or extend said original work, new commissioners may be appointed in the same manner, and with like powers, and subject to all the rules and regulations of this chapter, the same as the original commissioners appointed therein.

To be liberally construed.

SECTION 30. This act shall be liberally construed to promote the drainage and reclamation of the wet and overflowed lands in Dane county affected thereby, and in the preservation of the public health.

SECTION 31. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 409, S] [Published April 23, 1889.]

CHAPTER 384.

AN ACT to amend the charter of the city of Marinette.

(See Vol. 2.)

[No. 311, A.] [Published April 18, 1889.]

CHAPTER 385.

AN ACT relating to the discharge of insolvents debtors who make voluntary assignment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person who shall have made a voluntary assignment for the benefit of his creditors under or in pursuance of the laws of this state, may be discharged from his debts as a part of the proceedings under such assignment upon compliance with the provisions of this act.

Discharge of insolvent debtors.

SECTION 2. Such insolvent debtor who shall desire to be discharged from his debts, shall within six months after filing a copy of his assignment in the office of the clerk of the circuit court as required by law, file in the office of the circuit court where such assignment is filed and present to the circuit court of such county, or to the presiding judge thereof, his application for such discharge, addressed to said court, or said judge, in which application he shall state the date of the filing of such assignment, the clerk's office where the same was filed, the name and post-office address of the clerk with whom the same was filed, and the name and post-office address of the assignee named in such assignment.

Application to be presented by insolvent.

SECTION 3. Said involvent debtor shall sign said application and annex thereto an affidavit sub-

To be signed by debtor and verified.

scribed and sworn to by him, substantially in the following form:

Form of verification.

State of Wisconsin, }
County of ——. } ss.

I —— do solemnly swear (or affirm) that I have read (or heard read) the foregoing application signed by me; that the same is true of my own knowledge; that the inventory of my estate and the list of my creditors, filed in the office of the clerk of the circuit court, for the county of ——, as a part of my assignment, are as accurate and complete statements of all my property, except such as is exempt from sale on execution by the laws of this state, and of my creditors as I can make; that I have not at any time, or in any manner whatsoever, disposed of or made over any part of my estate, for the future benefit of myself or of my family, or in order to defraud any of my creditors, and that I have in no instance created or acknowledged a debt for a greater sum than I honestly or truly owned, and that I have not paid, secured to be paid, nor in any way compounded with any of my creditors with a view to fraudulently obtain the discharge prayed for in the foregoing application.

Court to make order requiring creditors to show cause, if any, why insolvent should not be discharged.

SECTION 4. Upon the filing of such application in the office of the clerk of the circuit court where said assignment is filed and the presentation thereof to said circuit court, or to the presiding judge thereof, such court or judge shall make an order, which shall be entitled in the matter of such assignment, requiring all of the creditors of such insolvent debtor to show cause, if any they have, why such insolvent debtor should not be discharged from his debts. Such order shall refer to said assignment, and shall state the time and place of the filing thereof, the name and post-office address of the clerk in whose office the same is filed, the name and address of the assignee named in such assignment, and the time and place of the filing of such application. If such application is made to such court, such order shall also fix a day in the same or the next ensuing term for a hearing thereof at the court house or at the chambers of such judge, designating the place thereof. Said order shall also

Order, what to state and require.

require that a copy thereof be published in a newspaper published in the county in which the

application was made, if there be one, and if not, then in a newspaper published in an adjoining county, for at least six successive weeks prior to the day of hearing. Such order shall also direct that a copy of such application and of said order be, within five days from the date of such order, deposited in the post-office, post-paid, directed to each of the creditors of such insolvent debtor whose address is known to such insolvent debtor. But if a copartnership be a creditor, it shall not be necessary to mail a copy of such application and of such order to each member of such copartnership, but it shall be sufficient if a copy of such application and of said order be so deposited and directed to such copartnership in its firm name or designation.

To be published.

Copy of application and order to be sent creditors.

SECTION 5. On the day fixed in such order, or at any subsequent day or time that such judge or court may appoint, such judge or court shall hear the proofs and allegations of the parties; and before any other proceeding be had, shall require proof of the publication of said order, and of the mailing of a copy of said application and order, as in said order required. On the hearing of such application, such application shall be regarded as a complaint, and any creditor of said insolvent debtor who may desire to object to the discharge of such insolvent debtor, may file in the office of the clerk of said court, and present on such hearing his answer to such application, duly verified in the manner that pleadings are required to be verified, setting forth the grounds of his objection to such discharge.

To hear proof.

SECTION 6. Every creditor opposing the discharge of an insolvent debtor under this chapter may, at the time appointed for the first hearing, demand of the court or such judge that the cause of such insolvent debtor be heard and tried by a jury and shall be entitled to an order to that effect and in all cases ordered to be tried by a jury, under the provisions of this section, such trial shall be had in the county where such insolvent debtor shall reside, subject to a change of the place of trial for like causes and according to the provisions which govern, in actions pending in the circuit court.

Creditor may demand jury.

SECTION 7. If such demand is made to such court the jury shall be drawn in the same manner

Jury, how drawn.

as in civil cases from the jurors summoned and attending such court, who shall be sworn as prescribed in the next section.

Venire to issue.

SECTION 8. If such demand is made to such judge he shall name eighteen freeholders of such county, qualified by law, to serve as jurors, and issue a summons to the sheriff or any constable of the county, commanding him to summon the persons so named to appear before him at such court house, or at his chambers, designating them at a day fixed in such summons, not less than six nor more than twelve days from the time of issuing the same, at which time and place twelve of such persons shall be drawn to serve as a jury, in the same manner as juries in circuit court are drawn, who shall be sworn well and truly to hear, try and determine the validity of the objections so specified.

Verdict of jury.

SECTION 9. Such jury having heard the proofs and allegations of the parties shall determine the matter submitted to them, and for that purpose shall be kept together by some proper officer, to be sworn as is usual in like cases in courts of record, until they agree upon their verdict, or are discharged by court such or judge. Such verdict shall be recorded in such court or by such judge.

Court, when to decide merits.

SECTION 10. There shall be but one hearing before a jury, unless a re trial is granted, and if they cannot agree after being left together for a reasonable time they shall be discharged, and such court or judge shall decide the merits of such application and objections in the same manner as if no jury had been called.

Examination of insolvent.

SECTION 11. At the hearing on any such application, before a jury or otherwise, the insolvent debtor may be examined, on oath, at the instance of any creditor touching his estate or debts, or as to any matter stated in his application, and any such creditor may contradict or impeach by other competent evidence, any testimony given by such insolvent debtor.

Who deemed parties to proceedings.

SECTION 12. Every creditor of such insolvent debtor, whether residing within or without this state, who shall file an affidavit or make other proof of his claim against such insolvent debtor, or who shall accept or receive any dividend from the assignee of such insolvent debtor or out of the estate of such insolvent debtor, or shall in

any way participate in the proceedings under such assignment shall be deemed to be a party to such proceedings for a discharge of such insolvent debtor from his debts, and the filing of such affidavit, and the making such proof of claim, or the receiving such dividend, or participation in such proceedings shall be deemed, to be, and is declared to be an appearance in the matter of such assignment and application for a discharge, and the order and discharge made and granted by said court or judge shall be final and binding upon all of the creditors of said insolvent debtor who shall file an affidavit of their claims, or make other proof of the indebtedness of such insolvent debtor or receive such dividend or participate in such proceedings, subject to the right of such creditor to appeal from any order, decision or judgmont made or entered in such proceeding in the manner provided by law.

When insolvent, to be discharged.

SECTION 13. If it shall appear upon such hearing or trial, that such insolvent debtor has in good faith made a voluntary assignment for the benefit of his creditors, and has in all respects complied with laws of this state in relation to voluntary assignments, and with this act, such court or judge shall grant such insolvent debtor a discharge from his debts, which shall have the effect declared in this act.

Judgment to be entered by clerk on.

SECTION 14. Upon the granting of such discharge by said court or judge, the clerk of said court shall immediately enter in the judgment docket of said court against said insolvent debtor, and in favor of each of his creditors who appears, by the list of creditors filed with an assignment of such insolvent debtor, to be a resident of this state, and in favor of each of the creditors of said insolvent debtor whose residence appears by such list to be out of the state, and who has proved his claim against said insolvent debtor under such assignment, or who has appeared in the proceedings under such assignment, or who has received any dividend from the assignee of such insolvent debtor, or out of the estate of such insolvent debtor, or in any way participated in the proceedings under such assignment, or who has appeared in the proceedings for such discharge, for the sum respectively appearing, or shown to be due to him and allowed to him in the proceedings under

Discharge to be entered by clerk.

such assignment, and shall also enter a discharge thereof upon such docket by order of said court, which shall discharge such insolvent debtor from all personal liability in favor of such of his creditors as shall reside in this state, and such of his creditors as reside out of this state who have proved their claims against such insolvent debtor in the proceedings on such assignment, or who have received any dividend from the assignee of such insolvent debtor, or out of the estate of such insolvent debtor, or in any way participated in the proceedings under such assignment, or who have appeared in said proceedings for such discharge. The fees of the clerk of said court for docketing and discharging such judgments shall be five dollars.

Fees of clerk.

Discharge may be pleaded a bar to recovery.

SECTION 15. In any action which may be brought against such insolvent debtor, a discharge granted pursuant to this act may be pleaded, and shall constitute a bar to the recovery against him, for or on account of any indebtedness or liability of his found due in such proceedings and included in said judgment so entered and discharged as above provided.

Appeals may be taken.

SECTION 16. Appeals may be taken to the supreme court by such insolvent debtor, or by any creditor from any order or judgment made or entered in such proceeding by such judge or court, within the same time and in the same manner as appeals in ordinary civil actions, and whenever necessary, bills of exceptions may be settled as in the ordinary appeals in civil actions.

Partners, how discharged and when.

SECTION 17. In all cases where a partnership shall have made, or shall hereafter make a voluntary assignment for the benefit of the creditors of such partnership, any member of such partnership, who has no property nor effects not exempt from execution, may be discharged from all of his liabilities as a member of such partnership, in the proceedings on the assignment of such partnership, under the provisions of this act, upon filing his application for a discharge as herein provided. Such person shall state in his application the existence of such partnership; the name and post-office address of each partner in such partnership; the making of the assignment by such partnership; the name and post-office address of the assignee named in such assignment,

the date of the filing of such assignment; the name and post-office address of the clerk in whose office the same was filed, and that the applicant for such discharge has no property nor effects of any kind, not exempt from execution. Such applicant shall annex to such application his affidavit, subscribed and sworn to by him, in substantially the following form:

Application to be made, what to state.

State of Wisconsin, } ss.
County of ——. }

I, —— ——, do solemnly swear (or affirm) that I have read (or heard read) the foregoing application signed by me, that the same is true of my own knowledge; that the inventory of the estate of the partnership therein mentioned, and the list of the creditors of such partnership, filed in the office of the clerk of the circuit court for the county of ——, as a part of the assignment of said partnership, are as accurate and complete statements of the property and creditors of said partnership as I can make; that I have no property nor estate of any kind not exempt from execution; that I have not at any time, nor in any manner whatsoever, disposed of, nor made over any part of my estate, for the future benefit of myself or my family, in order to defraud any of my creditors, and that I have in no instance created nor acknowledged a debt for a greater sum than I honestly or truly owed, and that I have not paid, secured to be paid, nor in any way compounded with any of my creditors, or the creditors of said partnership, with a view to fraudulently obtain the discharge prayed for in the foregoing petition.

Verification, form.

SECTION 18. The discharge granted to any member of any partnership under this act may be pleaded in any action brought against such member of said partnership on any indebtedness against said partnership in the same manner and with the same force and effect as herein above provided, and the same shall constitute a bar to recovery against him for or on account of any indebtedness or liability of his as a member of such partnership.

Discharge may be pleaded as bar.

SECTION 19. All acts and parts of acts in conflict with this act are hereby repealed.

Repealed.

SECTION 20 This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 479, A.] [Published April 22, 1889.]

CHAPTER 386.

AN ACT to authorize and empower the city of Kaukauna to construct a new bridge, and to borrow money and levy a tax or taxes, to aid in the construction of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of Kaukauna may build bridge.

SECTION 1. The common council of the city of Kaukauna is hereby authorized to construct, or cause to be constructed, a bridge across the Fox river and the United States government canal, at a point to connect Lawe street and Fourth avenue, in said city of Kaukauna, Outagamie county, in such manner and of such materials as it may determine, at a cost of not more than twenty-six thousand dollars; provided, said bridge be so constructed as not to interfere with the navigation of said river or canal.

May borrow money.

SECTION 2. For the purpose of constructing said bridge, the common council of said city of Kaukauna is hereby authorized and empowered to borrow from any person, persons or corporation, any sum or sums of money not to exceed in all twenty-six thousand dollars, for a term of years not exceeding twenty, and at a rate of interest not exceeding six per cent per annum.

May issue bonds.

SECTION 3. For the purpose of securing the payment of the money so borrowed, and the interest thereon, the common council of said city is hereby authorized to issue bonds in such sums as the common council may prescribe, not to exceed in all said sum of twenty-six thousand dollars, to bear interest at a rate not exceeding six per cent. per annum, and to be made payable at the office of the city treasurer of said city of Kaukauna, Wisconsin, within twenty years from the date of their issue. Said bonds shall be signed in behalf of said city of Kaukauna by the mayor, and countersigned by the city clerk of said city, and shall be sealed with the corporate seal of said city, and the faith and credit of said city shall stand pledged for the payment of said bonds and interest.

How issued.

SECTION 4. In addition to all other taxes authorized to be levied, the common council of said city is hereby authorized and empowered to levy and collect annually, for a period of not more than twenty years, a tax sufficient to pay the interest annually to grow due on said bonds, and the principal as fast as the same becomes due and payable; provided, however, that said common council shall have no authority to build said bridge or to issue said bonds, until after the question of building said bridge, and issuing said bonds shall have first been carried by a majority vote of the freeholders of said city of Kaukauna, at a general or special election at which such question shall have been duly submitted. To levy tax.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 426, A.] [Published April 18, 1889.]

CHAPTER 387.

AN ACT to create inspection district number sixteen, and to provide inspector therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the territory within which logs, timber or lumber are cut to be banked on the Wisconsin river north of the south lines of sections seven (7), eight (8), nine (9), ten (10), eleven (11) and twelve (12), in township thirty-four (34) north, ranges four (4), five (5), six (6), seven (7), eight (8), nine (9) and ten (10) east, and on the tributaries of said river emptying into the same north of said line, is hereby established and shall be known as inspection district number sixteen. Creating lumber inspection district No. 16 in.

SECTION 2. The governor of the state of Wisconsin shall appoint an inspector of lumber district number sixteen, who shall reside and keep his office in the village of Tomahawk, in Lincoln county, Wisconsin, and shall be responsible for Governor to appoint inspector to keep office in village of Tomahawk.

his acts and the acts of his deputies the same as now provided by law.

Repealed.

SECTION 3. All acts and parts of acts as far as they conflict with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 99, A.] [Published April 23, 1889.]

CHAPTER 388.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 230, A.] [Published April 18, 1889.]

CHAPTER 389.

AN ACT to amend chapter 63, of the private and local laws of 1860, and acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 63, private and local laws 1860, width of roadway.

SECTION 1. The Milwaukee and Cedarburg Plank Road company shall not be required, after the passage of this act, to maintain a roadway of a greater width than three rods.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 107, S.] [Published April 26, 1889.]

CHAPTER 390.

AN ACT to amend section 4733, of the revised statutes of Wisconsin, relating to commencement of term of sentences of convicts in the state prison.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 4733, R. S.

SECTION 1. Section 4733, of the revised statutes of Wisconsin, be and the same is hereby amended to read as follows: Section 4733. First. The sentence of any convict to imprisonment in the state prison shall be for a certain term of time, not less than one year, to commence at twelve o'clock, noon, on the day of such sentence; but no time which shall elapse after such sentence, before such convict is delivered at the state prison, beyond a reasonable time, not exceeding three days for his transportation, shall be computed as any part of such sentence unless he be detained in jail by order of the court before whom he was convicted, which order shall accompany the commitment and be entered of record at the state prison. Second. Provided, that every sentence to the state prison of a person hereafter convicted of a felony, except for murder in the first and second degrees, who has not previously been convicted of felony and served a term in a penal institution, may, in the discretion of the court, receive a general sentence of imprisonment in the state prison. The term of such imprisonment of any person so convicted and sentenced may be terminated by the state board of supervision as authorized by this act; but such imprisonment shall not exceed the maximum term provided by law for the crime of which the prisoner was convicted and sentenced; and no such prisoner shall be released until after he has served at least the minimum term provided by law for the crime of which he was convicted, allowance being made for good time, as provided by law. Third. In such case the form of the sentence shall be: "You are sentenced to hard

Sentences of criminals, when to commence.

When may receive a general sentence.

May be terminated by board of supervision.

Sentence, form of.

labor in the state prison at Waupun for a general term not less than (the minimum for the offense) nor more than (the maximum) depending upon your conduct and the evidences of your pro able reformation. Your sentence to commence at 12 o'clock noon of this day, with solitary confinement in the discretion of the court, according to section 4731, of the revised statutes of 1878. Fourth. In all cases of a general sentence, the clerk shall prepare, under the direction of the court, a brief summary of the record, containing a copy of the indictment or information, the names and residences of the jurors and of the witnesses sworn on the trial, and a synopsis of the principal facts alleged for and against the accused, and transmit the same with the commitment to the warden of the state prison. Fifth. The warden, under such rules and regulations as may be adopted by the state board of supervision, shall make inquiry into the previous history of the convict and obtain such information concerning him from persons to whom he may be referred, which, together with his conduct while in prison, as shall enable the board to decide at what time, if at any time, prior to the expiration of the maximum term stated in the sentence, the good of the convict and the best interests of society justify his discharge, and at such time they shall order his discharge and make a record of the reasons therefor. Sixth. The state board of supervision, with the approval of the governor, shall have power to establish rules and regulations, under which prisoners who have received a general sentence of imprisonment in the state prison under subdivision 2, of this act, and who have served the minimum term provided by law for the offences of which they have severally been convicted, with the deductions allowed for good conduct, under chapter 238, of the laws of 1880, may be allowed to go upon parole outside the buildings and inclosures, but to remain while on parole in the legal custody and under the control of the board, and subject at any time to be taken back within the inclosure of said institution, and full power to enforce such rules and regulations, and to re-take and and re-imprison any convict so on parole, is hereby conferred on said board, whose written order

Clerk to prepare summary of record.

Warden to make inquiry into convict's past history, etc.

State board of supervision to establish rules and regulations for parole of prisoners under general sentence.

May retake prisoners on written order of board.

certified by its secretary, or by the clerk of the state prison, shall be a sufficient warrant for all officers named therein, to authorize such officer to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as in ordinary criminal process. Seventh. It is hereby provided that any prisoner violating the condition of his parole or conditional release (by whatever means) as fixed by the state board of supervision, when by a formal order entered in their proceedings he is declared a delinquent, shall thereafter be treated as an escaped prisoner owing service to the state, and shall be liable, when arrested to serve out the unexpired period of the maximum possible imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be be counted as any part or portion of time served. And any prisoner at large upon parole or conditional release, committing another crime, and upon conviction thereof being sentenced anew to the state prison shall be subject to serve the second sentence after the first sentence is served or annulled, to commence from the date of the termination of his liabilities upon the first or former sentence.

Prisoner violating terms of parole to be treated as escaped and subject to serve time.

Second sentence.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 515, A.] [Published April 18, 1889.]

CHAPTER 391.

AN ACT to fix the terms of the circuit court in the county of Juneau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The terms of the circuit court for the county of Juneau shall hereafter be held on the first Tuesday in March and the second Tuesday in October.

Terms of circuit court, Juneau county.

Repeal.

SECTION 2. All acts and parts of acts, so far as they contravene or conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 272, A.] [Published April 18, 1889.]

CHAPTER 392.

AN ACT for the preservation of fish in the Douglas mill pond and Douglas creek, and its tributaries, in Jackson county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Preservation of fish in Douglas mill pond and creek, Jackson county.

SECTION 1. For and during the full period of three years from and after the fifteenth day of April, A. D. 1889, no person shall catch, kill or take any brook, rainbow or mountain trout, or other fish from the Douglas mill pond, situated in the town of Melrose, in the county of Jackson, in this state, or from Douglas creek, or any of its tributaries, in the said county of Jackson, by means of a hook and line, or any other device whatever.

Penalty.

SECTION 2. Any person violating the provisions of section 1, of this act, shall, upon conviction thereof, be punished by a fine not less than ten nor more than one hundred dollars, and the costs of prosecution, and in default of the payment of such fine and costs, be committed to the common jail until the same are paid, or until discharged by due course of law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 779, A.] [Published April 19, 1889.]

CHAPTER 393.

AN ACT to amend chapter 17, of the revised statutes, relating to the trust funds and their management.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 262, R.S., application for loans to districts.

SECTION 1. Section 262, of chapter 17, of the revised statutes of 1878, is hereby amended by striking out the following words: "And shall vote in like manner to raise by tax, to be levied and collected within two years thereafter, a sum equal to at least one half of the amount of such loan to be applied for, to be used in addition to such loan in erecting school buildings in such district." Said section, when so amended, shall read as follows: Section 262. Before applying for such loan, every school district shall authorize such application by a vote of a majority of the legal voters of said district voting on such question; and if at a special meeting, the objects of such meetings shall be clearly stated in the notice thereof, and such district shall not thereafter rescind said tax, reconsider such vote, or in any wise hinder, delay or postpone the levy and collection or the tax so voted, and shall not expend the money so raised or loaned for any other purpose. Application for such loan shall be made by the district board of such school district in writing, stating the amount required, the assessed valuation of the taxable real property of such district, and the total assessed valuation of the taxable property of such district as shown by the last assessment roll; and if such district be a joint district, such assessed valuations in its several parts separately, so that the valuations of so much thereof as lies in each town of which it is a part may be readily known; and the total amount of all the other indebtedness of such district and the facts in detail in respect to the holding of the meeting and passing the votes required as aforesaid, and shall be accompanied by a correct map or plat of such district. Such application and

Tax to be levied

Application and map to be recorded.

map shall be recorded in the office of said commissioners; and such application and the record thereof and such statement shall be conclusive evidence of the facts therein stated. All such applications shall be acted upon by the said commissioners in the order of time in which they shall be filed.

Commissioners to act on application.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 143, S.] [Published April 18, 1889.]

CHAPTER 394.

AN ACT to authorize John S. Owen, his assigns, or legal representatives, to construct and maintain dams on Long lake branch of White river, Long lake and the intermediate lakes on said branch and the tributaries of said branch, for hydraulic, log driving and other purposes, and to improve the navigation of said waters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dams on White river, Long lake, etc., Bayfield county.

SECTION 1. John S. Owen, his assigns and legal representatives, are hereby authorized to construct and maintain dams at any points on Long lake branch of White river, Long lake and the intermediate lakes on said branch, and on the tributaries of said branch above the east line of section thirteen, of town forty-five north, of range seven west, in Bayfield county, Wisconsin, on lands owned or controlled by them. Said dams to be constructed for the purpose of facilitating the driving of logs and timber down said lakes and streams. Suitable slides, however, to be built in said dams for running logs and timber belonging to any and all other parties over the same, free of all expense or charges. And they are hereby authorized, by means of the said dams, or of dams heretofore constructed and owned by them or any of them, to take possession of the water

How built, etc.

in said streams and lakes, and hold back and control and use the same for the purpose of log driving. And in aid of said purposes they may and shall have and possess all powers and privileges conferred by section 1777, of the revised statutes, and the acts amendatory thereof, upon corporations organized under said revised statutes for similar purposes or for the purpose of the improvement of the navigation of streams.

SECTION 2. All acts or parts of acts so far as they conflict with or interfere with the provisions of this act are hereby repealed.

SECTION 3. The right to alter, amend or repeal this act is hereby reserved to the legislature. Right reserved.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 932, A.] [Published April 18, 1889.]

CHAPTER 395.

AN ACT to legalize the vote of the town of Clear Lake, Polk county, relating to the township system of school government.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The vote of the qualified electors in the town of Clear Lake, Polk county, at the annual town meeting, April 2d, 1889, on the question of abolishing the township system of school government, is hereby declared to be as valid in all respects as if the petition had been signed and the notices given within the time and manner provided in section 552, of the revised statutes. Legalizing vote in town of Clear Lake abolishing township system of school government.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 15, 1889.

[No. 587, A.] [Published April 18, 1889.]

CHAPTER 396.

AN ACT to amend chapter 214, laws of 1887, entitled, "An act for the prevention of crime and to prevent the abducting of unmarried women."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 214, laws 1887, abducting or fraudulently enticing unmarri'd women of previous chaste character for purposes of prostitution, etc., penalty.

SECTION 1. Chapter 214, of the laws of 1887, is hereby amended by inserting between section 2 and section 3, of said chapter, the following to be known as section 2a: Section 2a. Any person who shall solicit, induce, encourage or entice by fraudulent or deceitful representations, intended or naturally tending to induce, entice or encourage an unmarried woman of previous chaste character to leave her father's house or wherever else she may be found, for the purpose of prostitution, or for the purpose of unlawful sexual intercourse, at a house of ill-fame or assignation, and any person who shall in any manner aid, abet or assist in any manner, by word or otherwise, in any such solicitation for such purpose, shall be punished by imprisonment in the common jail for not less than six months, or by imprisonment in the state's prison not to exceed one year.

SECTION 2. This act shall take effect and be in force from and after the passage and publication.

Approved April 15, 1889.

[No. 885, A.] [Published April 19, 1889.]

CHAPTER 397.

AN ACT to amend chapter 170, of the laws of 1881.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 170, laws 1881, (sec. 4415a, R.S.)

SECTION 1. Section 1, of chapter 170, of the laws of 1881, shall be and the same is hereby amended, by striking out the word, "if," at the beginning of said section, and inserting at the end of said section the words following: "And any person who shall take and convert to his own use any timber, trees, logs, ties, posts, poles or bark, which shall wilfully have been severed from the land of another, without the consent of the owner of such land, knowing the same to have been so severed by persons in the employ of the party so converting such timber, trees, logs, ties, posts, poles or bark, shall be deemed guilty of larceny of such property and shall be punished in the manner provided in section 4415, of chapter 182, of the revised statutes of 1878, for larceny of property of the same value"; so that said section when amended shall read as follows: Section 1. Any person who shall wilfully sever from the land of another any timber or trees standing or growing thereon, and shall take and convert the same or any part thereof to his own use, shall be deemed guilty of larceny, in the same manner and of the same degree as if the property so taken and converted had been severed at some previous and different time, and shall be punished in the manner provided in section 4415, of chapter 182, of the revised statutes of 1878, for larcenies of property of the same value, and any person who shall take and convert to his own use any timber, trees, logs, ties, posts, poles or bark, which shall have been wilfully severed from the land of another, without the consent of the owner of such land, knowing the same to have been so severed by persons in the employ of the party so converting such timber, trees, logs, ties, posts, poles, or bark to his own use shall be deemed guilty of lar-

Converting timber wrongfully severed from land of another.

Penalty.

ceny of such property, and shall be punished in the manner provided in section 4415, of chapter 182, of the revised statutes of 1878, for larceny of property of the same value.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 797, A.] [Published April 18, 1889.]

CHAPTER 398.

AN ACT to authorize John Woodlock to build and maintain a dam and lock in and across the Little Somo river, in Lincoln county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dam and lock in and across Little Somo river, Lincoln county.

SECTION 1. John Woodlock, his heirs and assigns, are hereby authorized and empowered to erect, keep up, and maintain a dam and lock in and across the Little Somo river on section twenty-seven (27), in township thirty-five (35) north, of range five (5) east, in the county of Lincoln, on lands owned by the said John Woodlock, said dam not to exceed nine feet in heighth and lock for the purpose of passing through steamer forty feet in length.

Slides to be built.

SECTION 2. The aforesaid John Woodlock, his associates, heirs and assigns, shall build suitable slides in said dam for the running of logs and timber over the same, and shall keep the same in repair. The same shall be kept open at all times when said river is at a driving stage and there are logs or timber to be run over said dam.

Right reserved.

SECTION 3. The right to alter, amend or repeal this act is hereby reserved.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 211, S.] [Published April 24, 1889.]

CHAPTER 399.

AN ACT relating to liens, and amendatory of section 3314, of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3314, of the revised statutes, as amended, is hereby amended by adding at the bottom thereof the following: And whenever the doing of manual labor on land for which a lien is given by this section, shall consist of the building of a continuous road-bed or structure designed or intended for use as a single thing, or as a part of a single thing, and such road-bed or structure is not limited in extent to one acre of land in an incorporated city or village, or to forty acres of land outside such city or village, but extends over and across more than forty acres of land whether within or without, or partly within and partly without such city or village, then in every such case, the limitation to an acre or forty acres, as the case may be, in this section contained, shall not apply, but the party entitled shall have a lien upon all the interests of the owner in and to the whole of said continuous road-bed and structure, and the whole of the land of the owner on which the same is constructed or which is intended to be used or is used for the purpose of such road-bed or structure, and the claimant may make and file a single petition or claim for a lien on all of the same, which petition or a copy thereof shall be filed in the office of the clerk of the circuit court of such county in which such road-bed is situate or partly situate, and such lien may be foreclosed or enforced by the party entitled thereto in the circuit court of any of the said counties in which the said claim or petition is so filed, and in the enforcement of such lien the said road-bed or structure if sold shall be sold as one continuous and single thing.

Amending sec. 3314, R. S.

Lien for labor and material furnished in building road bed or structure.

Petition to be filed.

SECTION 2. This act shall apply in all cases in which the time for filing liens has not yet expired,

and shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 909, A.] [Published April 23, 1889.]

CHAPTER 400.

AN ACT to authorize the city of Port Washington to issue bonds for certain purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of Port Washingt'n authorized to issue bonds for improvements.

SECTION 1. The common council of the city of Port Washington, whenever authorized to do so, and when deemed necessary, shall have power to issue bonds not exceeding in the aggregate the sum of six thousand dollars ($6,000), for the purpose of constructing bridges, sidewalks, sewers, and for harbor improvements in said city.

Petition of tax payers for issue of bonds.

SECTION 2. The common council shall not be authorized to issue any such bonds until a petition signed by at least one hundred tax-payers of said city is presented to them, requesting a special meeting to be called for the purpose of raising a sum of money to be specified, and the purpose to which such money shall be applied; provided, however, that the sum to be raised shall not in any one year, together with all other taxes to be collected, exceed two per cent. on the assessed valuation of all taxable property in said city.

Notices—special election.

SECTION 3. The common council shall, on receiving such petition, post up notices signed by them in three of the most public places in said city, calling a special election to be held not less than ten days nor more than twenty days from the date of such notice, and in which notice they shall set forth the amount to be raised and the purpose to which the same shall be applied, being as specified in the petition.

When may be issued.

SECTION 4. The common council shall not be authorized to issue any bond or bonds for the purpose as set forth in this act, unless at any special

election mentioned in section 3, of this act, four-fifths of the electors of said city voting at such special election, shall vote in favor of issuing a bond or bonds not exceeding in amount the sum specified in the notice for such election.

How executed.

SECTION 5. This said bond or bonds when authorized to be issued, shall be signed by the mayor and city clerk with the corporate seal of said city affixed thereto, and be made payable with interest not exceeding five per cent. per annum, in the city of Milwaukee, at such place as the common council may direct. The principal and interest shall be made payable at such time or times as the common council may direct, not exceeding six years.

Tax to be levied

SECTION 6. Whenever at any special election any amount authorized by this act shall be voted for, and the requisite number as set forth in section 4, of this act, shall vote in favor of the same, then in such case the common council shall be authorized and empowered to place the amount so voted for in the tax roll to be collected in such year as may be designated in the notice by the common council calling such election.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 918, A.] [Published April 20, 1889.]

CHAPTER 401.

AN ACT to amend the charter of the city of Durand.

(See Vol. 2.)

[No. 558, A.] [Published April 23, 1889.]

CHAPTER 402.

AN ACT to provide for the opening and laying out of temporary highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Laying temporary highways, when.

SECTION 1. Whenever any two or more owners of any pine or other timbered lands shall wish to have a temporary highway laid out, they may, by writing under their hands, make application to the supervisors of the proper town for that purpose, who shall proceed to lay out such temporary highway in all respects as provided by law in relation to laying out public highways, except as hereinafter provided.

Application for, how made.

SECTION 2. When any such application shall be made, the supervisors shall proceed to view the premises described, and ascertain and determine the necessity of laying out such highway for the purpose of removing the saw-logs, timber or lumber from any pine or other timbered lands, and the length of time that such highway will be necessary, and they shall state such time in the record, and at the expiration of said time such highway shall cease.

How laid.

SECTION 3. No such highway shall be laid out along and upon, and so as to occupy, any road made or caused to be made by the owner of any land, or by any person with the consent of such owner, and used by the person or persons who made the same, unless such owner shall consent thereto in writing. If the owner of the land across which any such highway is desired shall appear before the supervisors at the time and place of hearing, and shall designate a route for such highway which shall be in the opinion of such supervisors reasonably direct and practicable for the purpose desired by such applicants, it shall be the duty of the supervisors, in case they determine such highway to be necessary, to lay the same upon the route designated by such owner.

To be public.

SECTION 4. Such temporary highways shall be public highways, and all the expenses of their lay-

ing out, shall be paid to the supervisors, and all damages that may be awarded on account of the taking of the lands therefor shall be paid to the person or persons owning such lands by the persons applying for the same, and upon such payment they may enter upon, open and work such highways at their own and sole expense, but no trees shall be cut therein, except such as shall be necessary to make a track or tracks.

Liability of parties for damages.

SECTION 5. The persons applying for such highways shall be liable in damages for any injury resulting to persons or property on account of defects therein, in the same manner and to the same extent that townships are by law made liable for injuries resulting from defective highways; and such liability shall follow the ownership of the lands for the benefit of which such highways were established, and the town or municipality in which such highways may be situated shall not be liable.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 753, A.] [Published April 18, 1889.]

CHAPTER 403.

AN ACT to amend section 664, of the revised statutes, as amended by chapter 199, of the laws of 1882, relating to meeting of county boards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 664, R. S.

SECTION 1. Section 664, of the revised statutes, as amended by chapter 199, of the laws of 1882, is hereby amended by adding to said section as follows: Provided, that the county clerk of any county shall, upon receiving a request in writing, signed by a majority of the county board, adjourn the annual meeting of such board to such day as a majority of those joining in such request may designate, not more than three weeks nor less

When county clerk to adjourn annual meeting and give notice of.

than one week from the above mentioned date. Whenever an adjournment is made the county clerk shall notify all members in writing of the time to which the annual meeting has adjourned.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 405, A.] [Published April 26, 1889.]

CHAPTER 404.

AN ACT to cure defects in certain conveyances of real property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Defects in certain conveyances of real estate which have been properly recorded for twenty years, cured.

SECTION 1. Whenever any conveyance, assurance or release of real property in this state, or any other instrument affecting the title thereto, has heretofore been or shall hereafter be executed in this state, or in any other state or territory of the United States, or in any foreign country, and has or shall have been recorded in the proper office of register of deeds for twenty years, in which conveyance, assurance, release or instrument any of the following defects of execution or acknowledgment exist, either in such instrument or in the record thereof, to wit: Where there are no subscribing witnesses or only one subscribing witness, where the instrument purports to have been acknowledged before a notary public or other officer required to keep an official seal but whose official seal is not affixed; where a certificate of magistracy, or of the official character of such officer taking the acknowledgment is not attached, or where such a certificate is attached but the same is not in proper form; or where such conveyance or instrument is not certified by the officer taking the same to be executed and acknowledged according to the laws of the state, territory or district in which said deed was executed; or where such acknowledgment does not

Defect in witnesses.

In acknowledgment, seal wanting.

Certificate of authentication.

certify that the persons who acknowledged such instrument were known to the officer taking such acknowledgment to be the persons who executed such instrument; or in any other case where the execution or acknowledgment of such instrument shall be in some respect informal, all such conveyances, assurances, releases or instruments which have now been recorded for twenty years, and in case of such instruments which have not been recorded twenty years, or which shall hereafter be executed and recorded, when the same shall have been recorded for the space of twenty years are hereby legalized and made as valid and effectual to all intents and purposes as if such instruments had or shall have been duly and formally executed and acknowledged, and the record thereof shall have the same force and effect as evidence as though they had been originally executed and acknowledged according to law. Provided, however, that nothing herein contained shall in any manner affect any pending suit or proceeding, or the right or title of any purchaser in good faith for a valuable consideration without notice; and nothing in this act contained shall be taken as declaring or implying that any such conveyance, assurance, release or instrument is or shall be invalid by reason of any such defect.

Certified improperly, acknowledgment insufficient.

When recorded twenty years legalized and valid, and to be evidence of one execution.

Not to affect suits pending.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 541, A.] [Published April 23, 1889.]

CHAPTER 405.

AN ACT to authorize Geo. W. Mason and Allan Burdett, their associates and assigns, to maintain dams across and otherwise improve Skinner creek, in Price county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. George W. Mason and Allan Burdett, their associates and assigns, are hereby author-

Geo. W. Mason et al. may build dam and improvement on Skinner Creek, Price county.

ized, for the purpose of improving the navigation of Skinner creek in Price county, Wisconsin, so as to make it feasible for driving logs, to maintain dams across said creek, and otherwise improve said creek, on sections nine (9), fifteen (15), and nineteen (19), in township number thirty-six (36), range number two (2) west, on such lands in said sections as may be owned by them or leased by them for such purpose. And they shall maintain suitable slides in said dams for running logs, timber and lumber over the same and shall keep the same in repair.

How built.

May purchase or lease dams.

SECTION 2. Said George W. Mason and Allan Burdett, their associates and assigns, are also authorized and empowered to purchase or lease such dams now constructed upon said creek, for the purpose of improving the same for log driving, and to operate and maintain the same. And after purchasing or leasing such dams and the construction of the dams herein authorized to be constructed, so as to make said Skinner creek feasible for driving logs they are hereby authorized and empowered to demand, receive and collect from the owners of all logs, timber and lumber passing over such dams, or driven by the aid of the same, as a compensation for maintaining and keeping up the same, the sum of fifteen cents per thousand feet board measure, the amount to be ascertained by scale from landing in the woods if there be any, if not, in any other practicable way. And the aforesaid persons, their associates and assigns, shall have a lien on all logs, timber or lumber run over said dams or driven by the aid of the same until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of labor on logs except as to the time of filing said lien, which may, under the provisions of this act, be filed at any time within six months after the last logs of any mark shall have passed over said dams or been driven by the aid of said dams.

May collect tolls.

When may take possession and drive logs out of stream; compensation.

SECTION 3. If any other person or corporation shall land logs in said stream in such manner as to obstruct the driving of other logs down and out of the same, and shall neglect or refuse to drive said logs when the water is at a proper stage for such purpose either by the natural swelling of the stream or by the use of said dams

or any one of them, so that said logs are an obstruction to the proper driving of the logs therein owned or under the control of said George W. Mason and Allen Burdett, their associates or assigns, then said George W. Mason and Allen Burdett, their associates or assigns, may, in order to facilitate their drive take possession of and drive all such logs down and out of said stream, and as a compensation for such services, they shall be entitled to collect and receive either from the owners of such logs, or the contractors or persons in possession of the same, the reasonable and proportionate share of the costs of driving all such logs down and out of said stream, and they shall have a lien on all logs so driven until the charges for driving aforesaid shall be fully paid, which lien may be enforced in the same manner and at the same time and in the same proceeding as the lien for tolls as provided in section 2, of this act.

Control of dams, etc.

SECTION 4. The control of said dams, slides and gates of the same, shall belong to the said George W. Mason and Allan Burdett, their associates and assigns, and be under their exclusive control; and provided, further, that the right of the legislature is hereby reserved to alter, amend and repeal this act at any future time.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 293, A.] [Published April 18, 1889.]

CHAPTER 406.

AN ACT to amend section 4575, of the revised statutes, relating to minors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec 4575, R. S.

SECTION 1. Section 4575, of the revised statutes of 1878, is hereby amended by inserting after the words, "billiard table," where the same appear in

the first line of said section, the words, "pool tables and pigeon hole tables," so that said section when amended will read as follows: Section 4575. Any owner or keeper of any billiard table, pool table, pigeon hole table or bowling alley kept for gain, or any agent or servant of such owner or keeper in charge thereof, who shall allow or in any manner permit any minor to play any game thereon, shall be punished by imprisonment in the county jail not more than ten days or by fine not exceeding twenty-five dollars.

Penalty for permitting minors to play on pool tables and pigeon hole tables.

SECTION 2. This act shall take effect and be in force after its passage and publication.

Approved April 15, 1889.

[No. 202, A.] [Published April 24, 1889.]

CHAPTER 407.

AN ACT to authorize Theodore A. Taylor and G. S. Biron, their associates, heirs and assigns, to erect and maintain a dam across the Wisconsin river, in Portage county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing Theodore A. Taylor et al., to operate dam across Wisconsin river, Portage county.

SECTION 1. Theodore A. Taylor, G. S. Biron, their associates, heirs and assigns, are hereby authorized and empowered to construct and maintain a dam across the main channel of the Wisconsin river, on section six, in township twenty-three, range eight, in Portage county, Wisconsin, not more than three feet high above low water mark, and a dam across the slough channel at the foot of lot two, of section seven, in said township and range, not more than fifteen feet high above low water mark, for manufacturing and other purposes, on lands now owned by them, or which they may hereafter acquire by purchase, lease or condemnation; and also to erect and maintain mills, machinery, booms, piers, guard locks, embankments, dikes and other suitable structures and appendages to enable them to

hold and use the water of said river raised by said dams for the purposes aforesaid; and shall have power to overflow all such lands as shall be necessary for such purposes, and to acquire title thereto for such purposes by purchase or lease; but in case said Taylor and Biron, their associates, heirs and assigns, and the owners of any such lands required by them, cannot mutually agree for the purchase, lease or use thereof, or any easement therein that may be necessary for such purposes, or as to the compensation to be made for taking any such lands for such purposes as aforesaid, then they, the said Taylor and Biron, their associates, heirs and assigns, may acquire the same by proceedings for condemnation in the manner provided and set forth in section 1777, of the revised statutes, as amended by chapter 318, of the laws of 1882, which provisions are hereby made applicable for the purpose of acquiring said lands.

May acquire lands by condemnation.

SECTION 2. Said Theodore A. Taylor and G. S. Biron, and their associates, heirs and assigns, shall build and maintain a suitable slide, or chute, in that portion of said dam crossing the main channel of said river, so located and constructed as to allow logs, timber and lumber to pass over the same, and to freely pass down the river away from said slide and chute, and the same shall be kept open at all times when there are logs, timber or lumber to run over said dam.

To maintain slides or chutes.

SECTION 3. The right to repeal or amend this act is hereby reserved.

Right reserved.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 628, A.] [Published April 18, 1889.]

CHAPTER 408.

AN ACT to amend chapter 410, of the laws of Wisconsin of the year 1885.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to city of Milwaukee.

Amending ch. 410, laws 1885.

Action of mayor on application for licenses to be final, may revoke and annul same.

Not transferable, how issued, fees.

SECTION 1. Section 1, of chapter 410, of the laws of the year 1885, is hereby amended by adding at the end thereof the following: Provided, that the action of said mayor, upon any application for any license contemplated in this section, shall be final and conclusive upon all parties, and there shall be no appeal therefrom; and the said mayor shall have the power and authority to revoke and annul any license contemplated in this section without notice to or proceeding against any licensee of said city, whenever in his judgment the good order and welfare of said city will be promoted thereby, and such revocation shall be final and conclusive, and there shall be no appeal therefrom; and no license contemplated in this section shall be transferable from person to person, and such licenses may be issued for any term not less than one month nor more than one year, and the license fee to be paid therefor shall be such pro rata of the annual fee fixed by law as the time for which such license is issued.

SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 501, A.] [Published April 26, 1889.]

CHAPTER 409.

AN ACT to authorize the city of Milwaukee to issue bonds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee is hereby authorized to provide by ordinance for the issue of the corporate bonds of said city, and to issue said corporate bonds to the amount of sixty thousand dollars, payable in not more than twenty years, bearing interest not exceeding the rate of five per cent. per annum, which bonds shall be called public library bonds, and shall be used exclusively to provide means for the purchase of a proper site for the erection thereon of a building suitable for the accommodation of the public library and the public museum of the city of Milwaukee. Public library bonds, issuance of.

SECTION 2. The bonds hereby authorized to be issued shall be signed by the mayor and clerk of said city, and sealed with the corporate seal, countersigned by the comptroller, and attested by the commissioners of the public debt, and shall in terms be made payable in lawful money of the United States in the city of Milwaukee or in the city of New York; and such bonds shall each be for the principal sum of one thousand dollars, or five hundred dollars or one hundred dollars, or registered bonds to the amount of ten thousand dollars each, and shall have coupons or interest warrants attached thereto, for the semi-annual payment of the interest thereon, which bonds and coupons shall be numbered in the manner designated by the comptroller of said city. How issued.

SECTION 3. All bonds to be issued under the provisions of this act shall be delivered to the commissioners of the public debt, appointed under chapter 87, of the general laws of 1861, and the office of the commissioners of public debt shall continue and such commissioners shall be appointed from time to time, in pursuance of the provisions of that act, while any of the bonds Duty of commissioners of public debt.

issued under this act, or under that act, shall remain outstanding, and all the provisions of sections 2, 6, 7, 8, 9, 10, 11 and 17, of that act, so far as the same may be applicable and not inconsistent with this act, shall apply to all bonds to be issued under this act and are hereby incorporated into this act, as a part thereof, it being the true intent and meaning of this act to provide for the bonds hereby authorized in the same manner as the bonds authorized by that act are provided for, in the sections thereof last mentioned; provided, however, that nothing in this act contained shall be construed as authorizing said common council to issue bonds in excess of the limitation prescribed in section 6, of chapter 11, of the charter of said city and the acts amendatory thereof.

Council to direct issue of.

SECTION 4. The bonds provided for in this act shall be executed and issued from time to time, at such times and in such amounts, as may be determined by the common council of the city of Milwaukee, and shall be sold and disposed of by the commissioners of the public debt, and the proceeds thereof paid from time to time into the treasury of said city; and said proceeds shall constitute a separate and distinct fund in the treasury, and be paid out and applied exclusively for the purposes stated in the first section of this act.

Tax levy.

SECTION 5. A tax upon all the taxable property, real and personal, in said city, shall be annually levied by the common council, sufficient to pay the annual interest on all bonds issued under the provisions of this act and outstanding and for twenty years before the principal of the bonds hereby authorized shall become due, a tax equal to five per cent. of the principal of the bonds actually issued, shall be annually levied by the common council for a sinking fund, to pay the principal of such bonds.

When cancelled.

SECTION 6. As soon as a sinking fund shall be actually collected for the said bonds, the commissioners of the public debt shall proceed annually in the cancellation of the bonds, and the manner provided for by sections 10 and 11, of chapter 87, of the general laws of 1861, in regard to bonds issued under that act.

Report to be made.

SECTION 7. The commissioners of the public debt shall, from time to time, or when requested

by the common council, report to the common council of said city, the sale or other disposition of all bonds authorized by this act.

How cancelled.

SECTION 8. All bonds paid or otherwise retired shall be forthwith marked, "cancelled," by the commissioners of the public debt, and by them returned to the common council of the said city who shall forthwith publicly cancel the same.

Not to be sold for less than par.

SECTION 9. The commissioners of public debt are hereby prohibited from selling or otherwise disposing of any of the bonds authorized by this act to be issued, at a less rate than par, that is to say, for less than the principal of such bonds with accrued interest.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1889.

[No. 206, S.] [Published April 18, 1889.]

CHAPTER 410.

AN ACT to amend the charter of the city of Ashland.

(See Vol. 2.)

No. 190, A.] [Published April 18, 1889.]

CHAPTER 411.

AN ACT to appropriate to the Wisconsin Dairyman's Association a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Wisconsin Dairyman's Association, the sum of

Appropriation to Wisconsin Dairyman's Association, 1889-1890.

four thousand dollars ($4,000) out of any moneys in the treasury not otherwise appropriated. This appropriation is made to cover the years 1889 and 1890, and shall be paid to said association in two annual equal payments, to-wit: 1889 and 1890.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 262, A.] [Published April 18, 1889.]

CHAPTER 412.

AN ACT for the protection of fish in the waters of the Wolf river, the Fox river from the mouth of the Wolf to the dam at Depere, and Lakes Winnebago, Poygan, Winneconne and Butte des Morts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Protection of fish in Wolf and Fox rivers, and lakes Winnebago, Poygan, Winneconne and Butte des Morts; nets when may be used.

SECTION 1. No person or persons shall be allowed to set, place or use any gill, fyke, pound, seine, dip or other net or snare in the Wolf river, the Fox river from the mouth of the Wolf to the dam at Depere, and Lakes Winnebago, Poygan, Winneconne and Butte des Morts, between the first day of February and the first day of September, of each and every year.

Penalty for violation.

SECTION 2. Any person or persons violating any of the provisions of this act, shall, upon conviction thereof, be subject to a fine of not less than fifty dollars ($50), nor more than one hundred dollars ($100), together with the costs of prosecution for each and every offense; and shall on conviction be committed to the county jail until such fine and costs are paid, or the offender or offenders are discharged by law.

Justices of the peace to have jurisdiction.

SECTION 3. Justices of the peace shall have full power to try and punish all violations of any of the provisions of this act.

Bait may be caught.

SECTION 4. This act shall not be construed to prevent the catching of shiners, chub, dace,

suckers or stickle back for bait, by means of dip nets.

SECTION 5. No kind of nets, except a gill net for catching fish and a dip net for catching bait, shall be set, used or placed in the waters of Lake Winnebago, and no net except a gill, a hoop and a dip net shall be used, set or placed in the waters of the Wolf and Fox rivers, as described in section 1, of this act, or in Lakes Winneconne, Butte des Morts and Poygan. Nets, what kind may be used.

SECTION 6. No net of any kind shall be set, used or placed across the mouth of any channel, stream or river tributary to the waters described in section 1, of this act. Not to be placed across mouth of channel.

SECTION 7. All other acts heretofore passed in reference to fishing in the waters above set forth, and the territory described, are hereby repealed. Repeal.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 373, A.] [Published April 17, 1889.]

CHAPTER 413.

AN ACT relating to liens upon logs, timber, lumber, cord-wood, railroad ties, tan and other barks, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts and staves.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person who shall do or perform any labor or services in cutting, felling, hauling, running, driving, rafting, booming, cribbing, towing, sawing, peeling, or manufacturing into lumber, any logs or timber, or cutting any stave bolts or staves, in any of the counties of this state, shall have a lien upon such logs, timber, lumber, cord-wood, railroad ties, tan and other barks, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts or staves, for the amount due Liens of persons for labor or services on logs, timber, lumber, etc., to have precedence.

or to become due for such labor or services, which shall take precedence of all other claims or liens thereon.

To file claim for, in office of clerk of circuit court (except when work, etc., done on Wolf River).

SECTION 2. No debt or demand for such labor or services done and performed shall remain such lien unless a claim therefor in writing shall be made and signed by the claimant or his attorney, and verified by the claimant or some one in his behalf, in the same manner that pleadings in civil actions may be verified, setting forth the nature of the debt or demand for which the lien is claimed, the amount claimed to be due, describing the logs, timber, lumber, cord-wood, railroad ties, tan or other barks, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts or staves, against which the lien is claimed, and that the claimant claims a lien thereon pursuant to this act. Such claim for labor or services done or performed shall be filed in the office of the clerk of the circuit court of the county in which such labor or services were done or performed, except that the claims for any such labor or services done or performed upon logs, timber or lumber gotten out upon the Wolf river or any of its tributaries for the purpose of being run down said river or its tributaries, shall be filed in the office of the clerk of the city of Oshkosh. If the labor or services were done or performed between the first day of November and the first day of May, following, the claim for such lien shall be filed on or before the first day of June next thereafter; and if such labor or services shall have been done or performed after the first day of May and before the first day of November, or if the doing or performing of such labor or services shall be continuous from the first day of November or a day prior thereto, and to a date beyond the first day of May following, the claim for lien shall be filed within thirty days after the last day of doing or performing such labor or services; and such labor or services shall be deemed continuous notwithstanding a change of ownership in said logs, timber, lumber, cord-wood, railroad ties, tan or other barks, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts and staves The clerk with whom such claim for lien is filed shall receive twenty-five cents for filing each such claim or lien. Any person or persons

When work, etc., done between November 1st and May 1st; claim to be filed by June 1st; when to be filed for work, etc., after that date.

Fees of clerk.

who shall or may claim the right of a lien under the provisions of this act may, at any time after he shall contract to do any work, labor or services as specified herein, file in the office of the clerk of the circuit court of the county in which such labor or services are to be performed or are being performed, a notice stating that he or they shall claim the right of a lien for the labor or services so performed or to be performed, and further stating the name of the person, persons, or corporation for whom such labor and services are to be performed or are being performed, and the clerk of said court shall immediately upon the receipt of such notice file the same in his office and enter the name or names of the person or persons filing the same in his lien docket as the claimant or claimants, and the person, persons or corporation for whom such labor or services is to be performed or are being performed as defendant or defendants; and the clerk of said court shall receive for such filing the sum of fifteen cents. Provided, further, that no particular form of notice shall be required, but a letter setting forth the facts shall be deemed in all things a good and sufficient notice, providing it be signed by the person or persons claiming the right to such lien; and said notice when so filed shall be in all things a notice to all persons or corporations who shall become purchasers of any such logs, timber, lumber, cord-wood, railroad ties, tan or other bark, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts and staves.

When may file notice of claim for lien, for labor or services performed or to be performed.

Form of notice effect.

SECTION 3. All actions to enforce such liens may be brought in the circuit court of the proper county when the amount stated in the affidavit for the attachment, over and above all legal set offs exceeds one hundred dollars, or before any justice of the peace having jurisdiction of the amount claimed and of the parties. Action may be commenced to enforce such lien, if the same be due, immediately after the filing of such petition or statement and such lien claimed shall cease to be a lien on the property named in such petition or statement unless action be commenced within four months after the filing of such petition or statement. In all such actions the person, persons or corporation liable for the payment of such

Actions to enforce liens, where to be brought.

debt or claim shall be made the party defendant. Any person claiming to be the owner of such logs or timber may be made a party defendant on application to the court having jurisdiction of the action at any time before final judgment therein.

Party defendant.

Plaintiff may have attachment.

SECTION 4. The plaintiff in such actions may have the remedy by attachment of the property upon which the lien is claimed provided by law in personal actions, and such attachment may be issued and served and returned and like proceedings had thereon, including the release of any attached property upon giving security as in civil actions. The affidavit for the attachment must state that the defendant, who is personally liable to the plaintiff therefor, is indebted to him in the sum named over and above all legal set-offs for such labor or services done or performed as entitles the plaintiff to a lien thereon under this act, describing such logs, timber, lumber, cord-wood, railroad ties, tan or other bark, telegraph poles, telephone poles, fence posts, paving timber, stave bolts and staves, and that the plaintiff has filed his claim of lien pursuant thereto, and no other fact need be stated in such affidavit. No undertaking upon such attachment or security for costs in actions hereunder before justices of the peace need be given unless upon application of some defendant in the action showing by affidavit that he has a good and valid defense to the plaintiff's claim, and to how much thereof, and if it be only to a part of such claim, unless the residue be paid to the plaintiff at the time of the application, which payment, if made, shall not affect the jurisdiction of the court; and no order shall be made by any circuit court or a judge thereof requiring the giving of such undertaking or security for costs except upon ten days' notice to the plaintiff. The attachment shall direct the officer to whom it is issued to attach the property named in the affidavit or so much thereof as shall be necessary to satisfy the sum claimed to be due thereon, and to hold the same subject to further proceedings in the action. The officer executing the attachment shall pay any boomage due upon the property attached, and the amount so paid shall be taxed as part of the costs of the action.

Affidavit for, what to state.

Undertaking when given.

Attachment, what to direct.

Duty of officer.

SECTION 5. The attachment issued by any jus-

tice of the peace shall be returned as an ordinary summons, and may be in the following form:

——county, ss.

The state of Wisconsin, to the sheriff or any constable of said county:

Form of attachment.

You are commanded to attach the following goods and chattels (here insert a description of the property described in such affidavit), or so much thereof as shall be sufficient to satisfy the sum of——dollars, with interest and costs, and disbursements of suit, in whosoever hands or possession the same may be found in your county, and so provide that the same so attached may be subject to the further proceedings thereon as the law requires, and also to summon —— ——, if to be found, to be and appear before me at my office in said ——, on the —— day of ——, A. D. 18—, at —— o'clock in the ——noon, to answer to —— —— to his damage, two hundred dollars ($200) or under.

Given under my hand at ——, this —— day of ——, A. D. 18—.

J. P., Justice of the Peace.

Taking of promissory note, etc., not to discharge lien.

SECTION 6. The taking of a promissory note or other evidence of debt for any such labor or services done or performed shall not discharge the lien therefor hereby given, unless expressly received in payment therefor and so specified therein.

Assignment of claims, person having, may purchase others, but subject to defenses, etc.

SECTION 7. When more than one person has a claim for a lien given hereunder upon the same logs, timber, lumber, cord-wood, railroad ties, tan or other bark, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts and staves, any person having such claim may purchase and take an assignment of the debts or claims of the others, subject to all defences and set-offs to such claims against the original owner may file a claim for a lien for all such debts and bring an action to collect the same in his own name; but such claim for a lien and the complaint in the action shall allege such purchase or assignment.

Complaint, what to set forth.

SECTION 8. The complaint in any action hereunder, to enforce a lien upon logs, timber, lumber, cord-wood, railroad ties, tan or other bark, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts or staves shall, in addition

to the ordinary allegations in actions upon contracts, allege the filing of the claim for lien as hereinbefore provided, and such allegation shall be taken to be true unless expressly denied by the defendant or by some one in his behalf in a sworn answer or affidavit, and shall also allege a description of the property upon which a lien is claimed.

Finding of court or jury.

SECTION 9. The court or jury which tries any action hereunder shall, in addition to the sum due the plaintiff, find, if such be proven, that the same is due for the labor or services done or performed or some part of them alleged in the complaint, and that the same is a lien upon the property or some part thereof described in the complaint, and the judgment shall be in accordance with the findings. Costs shall be taxed and allowed as in personal actions, and an attorney's fee of ten per cent. of the claim, but in no case shall the attorney's fee exceed the sum of ten dollars. The execution in addition to the directions and commands of ordinary executions upon judgments for money, shall direct that such logs, timber, lumber, cord-wood, railroad ties, tan or other bark, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts or staves, describing them, or so much thereof as may be necessary for such purpose, be sold to satisfy said judgment, costs and attorney's fee, including the costs of sale. If the court, justice or jury shall find that the amount due the plaintiff is not a lien upon any part of such logs, timber, lumber, cord-wood, railroad ties, tan or other bark, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts or staves, they shall be released from the attachment, if they have been attached. The plaintiff shall in such case have judgment for the amount so found due, with costs, as in ordinary civil actions, but he shall not recover the costs of executing such attachment.

Costs.

Execution, what to direct.

When to release attachment.

Costs on.

When parties defendant may be added who claims interest in property.

SECTION 10. In any action which has been or shall hereafter be commenced for the enforcement of a lien upon logs, timber, lumber, cord-wood, railroad ties, tan or other bark, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts or staves, under any law of this state, any person not a party to such action may at any time, either before or after judgment and

before an actual sale of the property upon which a lien is claimed, become a party defendant to such action by filing with the clerk of the court where such action is pending, or with the justice of the peace in actions pending, in justice courts, an affidavit made by such person or by some one in his behalf to the effect that he is the owner of or of some interest in the property upon which a lien is claimed and that he verily believes that said claim for lien is unjust and invalid, and upon filing such affidavit he shall have the right to defend said action so far as a claim for a lien is concerned; and in case judgment has been previously rendered for a lien, he may appeal within twenty days after the filing of such affidavit, as in other cases; provided, however, that his right to file an affidavit, and appeal said case shall not extend beyond one year from the date of the rendition of the judgment.

Appeal not to stay execution, unless undertaking filed.

SECTION 11. If such party appeals from the judgment, such appeal shall not stay execution, unless the appellant shall file an undertaking with two or more sufficient sureties, who shall each justify in a sum equal to double the amount of the judgment, to the effect that if plaintiff recover judgment for a lien upon such property that they, such sureties, will pay the amount of such judgment with costs. Said undertaking shall be approved by the judge of the appellate court. Upon filing such undertaking all proceedings upon the judgment appealed from shall be stayed during the pendency of such appeal, and in case execution shall have been previously issued, the same shall, upon presenting to the officer in whose custody the same may be, a certified copy of such affidavit and undertaking and certificate of the justice or clerk of the court that an appeal has been perfected, be returned, and all property in which appellant shall claim an interest that may have been levied upon shall be released from such levy.

Judgment and costs on.

SECTION 12. If upon the trial in the appellate court the plaintiff shall recover judgment of lien upon such property, such judgment may be entered against the appellants and their sureties. If upon such trial the plaintiff does not establish his right to a lien, the said appellant shall recover judgment for costs.

When notice and undertaking on appeal from justice filed with clerk

SECTION 13. When the judgment to be appealed from is one rendered in justice's court, and when by reason of the death of such justice or his absence from the county, or any other cause, the said affidavit and undertaking cannot be presented to him, they may, with notice of appeal and affidavit upon appeal, be filed with the clerk of the court to which such appeal is taken, within the time aforesaid.

Camp cooks, etc., to have lien for services.

SECTION 14. All persons doing or performing any labor or services by cooking food for the men doing or performing any labor or services upon such logs, timber, lumber, cord-wood, railroad ties, tan or other barks, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts or staves, at the request of the person, persons or corporation employing said men, for whom such food is cooked, or manufactured, shall in all things be deemed to have performed work, labor and services, and have the right of lien therefor, the same as the men for whom such food was cooked or manufactured.

All persons doing or performing labor on logs, etc., to have lien.

SECTION 15. All persons doing or performing any labor upon any logs, timber, lumber, cord-wood, railroad ties, tan or other bark, piling, telegraph poles, telephone poles, fence posts, paving timber, stave bolts or staves, the nature of which said property shall be changed by reason of any process of manufacturing, shall have his right of a lien upon the manufactured product the same as though the labor had been performed directly upon the manufactured article.

Lien for labor on lumber, or peeling, piling or hauling bark, ties, etc.

SECTION 16. Any person performing any labor upon any lumber or in cutting, peeling, piling or hauling any hemlock or other bark, ties or other product of labor heretofore mentioned in this act, for or on account of the owner, agent or assignee thereof, at any place within this state, for such owner, agent or assignee, shall have a like lien upon such lumber, etc., as given in this act for work and services upon logs, timber, etc., and he may avail himself of the provisions of this act in relation to a lien upon logs, etc., to enforce such lien. The notice of and claim for such lien shall in all cases be filed in the office of the clerk of the circuit court of the county in which work was done, in the manner and within the time prescribed in sections 2 and 3, of this act, and an ac-

To be filed in office of clerk of circuit court, of county where work, etc., done as provided in secs. 2 and 3.

tion to enforce the same may be commenced without any notice given to the owner or any other person of his claim.

SECTION 17. Appeals may be taken from all judgments rendered by justices of the peace, and the judgment of circuit and county courts hereunder may be revised by the supreme court as in ordinary civil actions, and no lien for supplies shall be had under this act, except in the counties of Oconto and Douglas.

Appeals.

Liens for supplies to be had only in counties of Oconto and Douglas.

SECTION 18. Sections 3329, 3330 and 3331, of chapter 143, of the revised statutes of 1878, chapter 469, of the laws of 1885, and chapter 530, of the laws of 1887, and all other acts or parts of acts in any wise conflicting with the provisions of this act, are hereby repealed, except chapter 222, of the laws of 1880.

Repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 301, A.] [Published April 23, 1889.]

CHAPTER 414.

AN ACT to amend chapter 456, of the laws of 1887, relating to game and fish.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 456, of the laws of 1887, is hereby amended by adding at the end of said section, the following words: "One-half of the fines collected for any violation of any law of this state relating to the preservation of fish, game or birds, shall be paid to the county treasurer of the county in which said fines may be collected; and such treasurer shall pay the same into the school fund. The remaining one-half of such fines shall be paid to the game or fish warden or deputy warden making the arrest;" so that said section, when so amended, shall read as follows: Section 1. It shall be the

Amending ch. 456, 1887.

Fines, how divided.

duty of the governor, upon the passage of this act, to appoint four persons to be known as game wardens, whose duty it shall be to secure the enforcement of all statutes of this state for the preservation of fish and game; to bring or cause to be brought actions and proceedings in the name of the state of Wisconsin, to recover any and all fines and penalties, and to punish all violations of said statutes. Such game wardens shall hold their office for the term of two years from the date of such appointment, and until their successors shall be appointed and qualified, and any vacancy during such term shall be filled by the governor. Such game wardens may appoint one or more deputies for each county, who shall have all the authority of the game wardens, except as herein otherwise provided. Such deputies shall receive no salary, but shall be entitled to the same fees as constables now receive in criminal cases for like services, and paid in like manner. Such deputies may be removed at any time and their places filled by the game warden who appointed them. One-half of the fines collected for any violation of any law of this state relating to the preservation of fish, game or birds, shall be paid to the county treasurer of the county in which said fines may be collected, and such treasurer shall pay the same into the school fund. The remaining one-half of such fines shall be paid to the informer.

Duty of wardens.

Powers of deputies, and duty of deputies.

Section 2, of chapter 456, of the laws of 1887, is hereby amended by inserting after the word, "deputy," where the same occurs in the second line of said section, the following words: "shall have full power and authority to serve and execute all warrants and process of law issued by the justices of the peace, police magistrate or any court under the provisions of this chapter, or any other law relating to the preservation of game, fish or birds, in this state, in the same manner as any sheriff or constable might serve and execute such process and;" also by inserting after the word, game, where the same occurs in the fifth line of said section, the words, "or birds." And further, by adding at the end of said section the following words: "For which purpose and for all purposes of this chapter as aforesaid, and in the apprehending or securing of any person or persons for the violation of any of the game, fish or

bird laws of this state and for the purpose of confiscating any nets, snares, traps, or other contrivances of any kind, or of any animals used in violation of any of the game, fish or bird laws of this state, they and every sheriff, coroner and constable may call to their aid such persons or power of the county as they may deem necessary, and it shall be the duty of every sheriff, coroner or constable of any county of this state whenever required by such game warden or any of their deputies to forthwith assist them in the execution of process and the confiscation of any contrivance or animal used in the violation of said law. Said game wardens and the said deputy game wardens shall have the power, and it shall be their duty, to take and confiscate any and all nets, snares, traps, ferrets, dog or dogs, and every other means and contrivance whatsoever, and every other animal used in violation of any of the game, fish or bird laws of this state. Any and all such property, means or contrivance or animals taken and confiscated as aforesaid shall, upon the conviction of the offender, be destroyed or killed by such game warden or his deputy or the sheriff, coroner or constable of any county, by and under the direction of such justice of the peace, police magistrate or court before whom or in which the conviction may be had." So that said section, when amended shall read as follows: Section 2. Any such game warden or any such deputy shall have full power and authority to serve and execute all warrants and process of law issued by the justices of the peace, police magistrate or any court, under the provisions of this chapter or any other law relating to the preservation of game, fish or birds in this state, in the same manner as any sheriff or constable might serve and execute such process, and may arrest any person or persons by them detected in actually violating any provisions of the laws of this state relating to the protection of fish or game or birds, and may take such person or persons so offending before a justice of the peace, police justice or other magistrate having jurisdiction, who shall proceed with such cause in manner and form as provided by law. It shall further be the duty of such game wardens, or one of them, upon receiving information that any such law has been violated,

May call persons or power of county to their aid in enforcing law.

to immediately cause a thorough investigation to be made of such complaint and to cause proceedings to be instituted if the proof at hand will warrant a conviction. For which purpose and for all purposes of this chapter as aforesaid and in the apprehending or securing of any person or persons for the violation of any of the game, fish or bird laws of this state, and for the purpose of confiscating any nets, snares, traps, or other contrivances of any kind or of any dog or ferret used in violation of any of the game, fish or bird laws of this state, they and every sheriff, coroner and constable may call to their aid such persons or power of the county as they may deem necessary, and it shall be the duty of every sheriff, coroner or constable of any county of this state, whenever required by such game wardens or any of their deputies to forthwith assist them in the execution of process and the confiscation of any contrivance or animal used in the violation of said law. Said game wardens and the said deputy game wardens shall have the power, and it shall be their duty, to take and confiscate any and all nets, snares, traps, ferrets, dog or dogs, and every other means and contrivance whatsoever, used in the violation of any of the game, fish or bird laws of this state. Any and all such property, means or contrivance or animals taken and confiscated as aforesaid, shall, upon the conviction of the offender, be destroyed or killed by such game warden or his deputies, or the sheriff, coroner or constable of any county, by and under the direction of such justice of the peace, police magistrate or court before whom or in which the conviction may be had.

Salary and disbursements.

SECTION 3. Section 4, of chapter 456, of the laws of 1887, is hereby amended by inserting after the word, "duty" where it occurs at the end of the thirteenth line of said section, the words "and for," so that said section when amended, shall read as follows: Section 4. Such game wardens shall have an annual salary of six hundred dollars each, payable monthly out of the state treasury, and actual disbursements while traveling in the line of duty; such disbursements to be audited by the secretary of state and paid out of the state treasury as other salaries and disbursements are paid, upon sworn vouchers and receipts as other

accounts are audited, and also necessary printing stationery and postage; and in no case shall a game warden appointed under this act receive a sum in excess of two hundred and fifty dollars per year for disbursements, while traveling in the line of duty and for printing, stationery and postage.

Justice to issue search warrant.

SECTION 4. Any justice of the peace or other magistrate upon receiving proof of the probable cause for believing in the concealment of any game, fish or bird during any of the periods prohibited by any of the laws of this state, shall issue his search warrant and cause search to be made in any house, market, boat, car or other building and for that end may cause any apartment, chest, box, locker, crate, barrel, or other device to be broken open and the contents examined.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 81, A.] [Published April 18, 1889.]

CHAPTER 415.

AN ACT to amend section 1165, revised statutes, relating to land sold for taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 1165, R. S.

SECTION 1. Section 1165, of chapter 50, of the revised statutes of Wisconsin for the year 1878, is hereby amended by striking out the clause, "but whenever any land sold for taxes shall be redeemed within six months after the sale thereof, interest as first aforesaid shall be paid for six months," in the fifteenth and sixteenth lines of said section, so that said section 1165, when so amended, shall read as follows: Section 1165.

Redemption of land sold for taxes.

The owner or occupant of any land sold for taxes or other person may at any time within three years from the date of the certificate of sale, redeem the same, or any part thereof, or interest therein,

Owners or occupants to pay only amount of charge, interest, etc., due at time of redemption.

by paying to the county clerk of the county where such land was sold for the use of the purchaser, his heirs or assigns, the amount for which such land was sold, and all subsequent charges thereon authorized by law, or such portion thereof as the part or interest redeemed shall amount to, with interest on the amount of purchase money at the rate of twenty-five per cent. per annum from the date of such certificate, and all other taxes and charges thereon imposed subsequent to such sale, and paid by such purchaser or his assigns prior to such redemption, with interest thereon at the rate of twelve per cent. per annum; vouchers or other evidence of the payment of which shall have been deposited with the county clerk, or produced to such person seeking to redeem; and in all cases any such person may, in like manner, redeem any such lands, or any part thereof, or interest therein, at any time before the tax deed executed upon such sale is recorded, and when so redeemed such deed shall be void.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 288, S.] [Published April 18, 1889.]

CHAPTER 416.

AN ACT to amend chapter 25, of the revised statutes of 1878, entitled, "of the university."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Improvement of Ladies' hall, university.

SECTION 1. The regents of the university of Wisconsin shall cause the building known as Ladies' hall, and now occupied by female students of the university, to be heated throughout by steam on or before the opening of the fall term of 1889 of the university; and said building shall hereafter be known as Ladies' hall, and shall be used

hereafter for and by the female students attending said university, and not otherwise.

SECTION 2. The regents of the university are hereby authorized and directed to employ a competent preceptress, who shall have charge and general supervision of said Ladies' hall, under the direction and regulations of the said regents, at a salary of not more than fifteen hundred dollars per annum; provided, that said preceptress shall perform such duties and teach such classes as said regents may from time to time require. Regents may employ preceptress to manage same, salary.

SECTION 3. There is hereby appropriated, for the purpose of properly heating and lighting, as hereinbefore provided, out of any money in the treasury not otherwise appropriated, the sum of five thousand dollars. Appropriation.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 166, S.] [Published April 18, 1889.]

CHAPTER 417.

AN ACT authorizing the governor to designate a day to be known as "arbor day."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor is hereby authorized to set apart by proclamation one day in each year, to be observed as tree planting or arbor day, requesting all public schools and colleges to observe the same by suitable exercises, having for their object the imparting of knowledge of horticulture, in the department known as arboriculture, and the adornment of schools and public grounds. Arbor day, governor to designate.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 78, A.] [Published April 18, 1889.]

CHAPTER 418.

AN ACT for an act to authorize the proper state officers to pay the special assessments for the year 1887, against the property of the state, in the city of Milwaukee, commonly known as the State Industrial School for Girls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to pay special assessments against property of State Industrial School for Girls, 1887.

SECTION 1. The proper state officers are hereby authorized and directed to issue, deliver and pay to the city treasurer of the city of Milwaukee, upon the passage and publication of this act, a state warrant in the sum of one thousand, one hundred and twenty-five dollars, upon receiving from the said city treasurer his certificate of redemption of said lands hereinafter described, for the special assessments thereon for the year 1887, against the land owned by the state, commonly known as the Industrial School for Girls, and described as a piece of land bounded northwesterly by Prospect avenue, northeasterly by Hydraulic avenue, southeasterly by Lake avenue, and southwesterly by an unnamed street, all in the southwest quarter of section fifteen, in the first ward of the city of Milwaukee. Said city treasurer of the city of Milwaukee is hereby authorized to receive said amount in full redemption of said lands from the sale thereof for the non-payment of said special assessments for the year 1887. And the said treasurer is hereby authorized and directed to pay to the owners and holders of the said special certificates, upon presenting the same to him, the amount due thereon. Said special assessments and certificates are as follows:

No. 157, being for five hundred ninety-five lineal feet of wood curbing, as per contract with John O'Neil.

No. 177, for one thousand seven hundred fifty-eight cubic yards of grading roadway, as per contract with M. Dunn.

No. 197, five hundred fifty-three lineal feet

planking sidewalk, as per contract with Charles Ketchell.

No. 215, two hundred thirty-five square yards paving gutters, and two hundred sixty-four cubic yards graveling roadway, as per contract with John Donoghue.

And the sum of seven dollars and ninety-two cents for sprinkling the roadway, for the season of 1887, shall be credited to the First and Eighteenth ward funds of said city, and shall be divided, in the judgment of the comptroller, between said ward funds.

To be credited to ward funds.

SECTION 2. This act shall take effect and be in force upon and after its passage and publication.

Approved April 16, 1889.

[No. 75, A.] [Published April 19, 1889.]

CHAPTER 419.

AN ACT to authorize the city of Milwaukee to issue bonds, to be called water department construction bonds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee is hereby authorized to provide by ordinance for the issue of corporate bonds of said city, not exceeding in amount one hundred thousand dollars, payable in not more than twenty years after the date of said issue, bearing interest not exceeding the rate of five per cent. per annum. Said bonds shall be known as and called water department construction bonds, and shall be issued exclusively to provide funds for the construction, reconstruction and repairs of buildings, engines and machinery for the use of the water department of said city.

City of Milwaukee $100,000 water department construction bonds.

SECTION 2. All bonds issued under the provisions of this act shall be signed by the mayor and clerk of said city, countersigned by the comptroller of said city, attested by the commissioners of

How issued and payable.

public debt of said city, sealed with the corporate seal of said city, made payable in lawful money of the United States of America in the city of Milwaukee or New York, and shall each be for the principal sum of one thousand dollars, or five hundred dollars or one hundred dollars, and shall have attached thereto interest coupons or warrants for the semi-annual payment of interest thereon, and such bonds and coupons shall be numbered, in the form and manner to be designated by said comptroller.

Common council to direct.

SECTION 3. Bonds issued under the provisions of this act, shall be issued from time to time in such amounts as the common council of said city may determine upon; said bonds when issued and properly signed and sealed, shall be delivered to the commissioners of public debt of said city, and by that body disposed of, the proceeds arising therefrom to be paid into the treasury of said city, and such proceeds shall constitute a separate and distinct fund, to be exclusively applied for the purposes specified in the first section of this act; provided, however, that nothing in this act contained shall be construed as authorizing said common council to issue bonds in excess of the limitation prescribed in section 6, of chapter 11, of the charter of said city and the acts amendatory thereof.

Fund derived from, to be applied as specified in sec. 1.

Commissioners of public debt.

SECTION 4. The office of commissioners of public debt of said city shall not be abolished while any of the bonds issued under the provisions of this act remain outstanding and unpaid.

Provisions of ch. 87, laws 1861, to apply.

SECTION 5. The provisions of sections 2, 6, 7, 8, 9, 10, 11 and 17, chapter 87, of the laws of 1861, applicable and not inconsistent with the provisions of this act, shall apply to bonds issued under the provisions of this act, and such sections, if not inconsistent, are incorporated as a part of this act. The true intent and meaning of this act is to provide for the present issue of bonds in the same manner as bonds issued under the provisions of that act are provided for.

Levy tax.

SECTION 6. The common council of said city shall annually cause a tax to be levied upon all taxable property in said city, both personal and real, for the payment of the annual interest on all unpaid bonds issued under the provisions of this act, and for twenty years before the principal of said bonds become due the said common

council shall annually cause a tax to be levied upon all taxable property in said city, both personal and real, equal in amount to five per cent. of all bonds issued under the provisions of this act, for a sinking fund to redeem such bonds as the said commissioners of public debt direct to be cancelled.

When to cancel

SECTION 7. As soon as a sinking fund shall have [been] collected and set aside, the said commissioners of public debt shall proceed to cancel bonds in amount equal to the sinking fund so provided.

How cancelled.

SECTION 8. All bonds directed to be paid by said commissioners of public debt shall be when paid, stamped, "cancelled," and when so stamped shall be delivered to the common council of said city, and by that body publicly declared cancelled.

Not to be sold for less than par.

SECTION 9. The commissioners of public debt of said city are hereby prohibited from selling or otherwise disposing of any such bonds at a less valuation than par; that is to say, at less than the principal of said bonds, together with the accrued interest thereon.

SECTION 10. This act shall take effect and be in force from and after the date of its passage and publication.

Approved April 16, 1889.

[No. 338, S.] [Published April 23, 1889.]

CHAPTER 420.

AN ACT to amend chapter 214, of the laws of 1887, entitled, "An act to prevent crime and prevent the abduction of women."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 214, laws 1887.

SECTION 1. Chapter 214, of the laws of Wisconsin for the year 1887, is hereby amended so that said chapter shall hereafter read as follows: Section 1. Any person who shall fraudulently,

Abduction of woman of previous chaste character, punishment.

deceitfully, or by any false representations entice, abduct, induce, decoy, hire, engage, employ or take any woman of previous chaste character from her father's house, or from any other place where she may be, for the purpose of prostitution or for unlawful sexual intercourse, at a house of ill-fame, or at any other place of like character, or elsewhere, and any person who shall knowingly or intentionally aid, abet, assist, advise or encourage, any such enticing, abducting, inducing, decoying, hiring, engaging, employing or taking, shall be punished by imprisonment in the state prison not less than five nor more than fifteen years. Section 2. Any person who shall entice, abduct, induce, decoy, hire, engage, employ or take in any manner, any woman from her home or from any other place where she may be, for the purpose of prostitution or for unlawful sexual intercourse, at a house of ill-fame or at any other place of like character, or elsewhere, and any person who shall knowingly or intentionally aid, abet, assist, advise or encourage any such enticing, abducting, inducing, decoying, hiring, engaging, employing or taking, shall be punished by imprisonment in the state prison not less than one nor more than five years. Section 3. Any person who shall detain any woman against her will by force, threats, putting in bodily fear, or by any other means, at a house of ill-fame, or any other place of any other name or description, for the purpose of prostitution, or for unlawful sexual intercourse; and any person who shall aid, abet, advise, encourage or assist in such detention, shall be punished by imprisonment in the state prison not less than five nor more than fifteen years. Section 4. Any person who shall unlawfully and carnally know any female idiot, or insane or imbecile woman or girl, shall be punished by imprisonment in the state prison not less than five nor more than fifteen years. Section 5. Any person being the owner, lessee or occupant of any premises, or having or assisting in the management or control thereof, who induces or suffers any female under the age of twenty-one years to resort to, or be in or upon such premises for the purpose of prostitution, or for the purpose of unlawful sexual intercourse, with any person or

Enticing, abducting, decoying, etc., penalty.

Detaining against will at house of ill-fame, penalty.

For unlawfully and carnally knowing female idiot, insane or imbecile woman or girl, penalty.

Permitting or assisting persons to resort to premises for purpose of prostitution.

persons, shall be punished by imprisonment in the state prison not less than one nor more than five years. Section 6. In all prosecutions under the provisions of this chapter, or under the provisions of any law of this state for the supression of houses of ill-fame, assignation, or places of similar character, or for keeping any such place, or for being an inmate or frequenter thereof, it shall be competent for the prosecution to establish the character of any such house or place, by showing that the same has a common or general reputation as a house of ill-fame, brothel, bawdy-house or house of assignation, or that such house while in the possession of the inmates then occupying the same, has been or is being promiscuously visited at unseasonable hours by divers and sundry persons not residing therein, and such showing shall be prima facie evidence that such house or place is a house of ill-fame, brothel, bawdy-house, or house of assignation as alleged. Section 7. No person shall be excused or privileged from testifying fully or answering fully under oath in any and all prosecutions brought under or instituted pursuant to any of the provisions of this chapter, or for any of the causes mentioned in the next preceding section, but no such answer or evidence so required of any person, shall be used against him in any other action, either civil or criminal in which he is a party; provided, that this section shall not be construed to compel any defendant in any criminal action to testify.

Character of house, how established.

No person excused from testifying except defendant.

SECTION 2. All acts or parts of acts so far as they are inconsistent or conflicting with the provisions of this act are hereby repealed.

Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 182, A.] [Published April 23, 1889.]

CHAPTER 421.

AN ACT relating to the publication and distribution of the blue book, and repealing certain acts relating thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Publication of blue book, secretary of state to secure extra edition of, how distributed.

SECTION 1. The secretary of state shall, under the contract with the state printer and upon as favorable terms as he can secure for the state, cause seventeen thousand copies of the blue book to be published in addition to those already published for the year 1889; those published for the year 1889, to be distributed as hereinafter provided, and twenty-five thousand copies biennnially thereafter, at each regular session of the legislature, to be distributed in like manner.

Regular edition 25,000 copies.

How distributed.

SECTION 2. The distribution of the blue book shall be as follows: One hundred and twenty-five copies to each member of the senate representing a population of less than forty-five thousand; one hundred and fifty copies to each member of the senate representing a population of forty-five thousand or over; one hundred copies to each chief clerk of the two houses and to each member of assembly representing a population of ten thousand or less; one hundred and twenty-five copies to each member of assembly representing a population of more than ten thousand and not exceeding fifteen thousand; one hundred and fifty copies to each member of assembly representing a population of fifteen thousand and over; said apportionment to be made on the basis of the last national or state census taken prior to the regular sessions of the legislature; fifty copies each to the sergeants-at-arms of the two houses; ten copies to each of the assistant chief clerks and bookkeepers of the two houses; one copy to each clerk and employe of the two houses; one hundred copies each to the governor, lieutenant governor, secretary of state, state treasurer, superintendent of public instruction, attorney-gen-

eral, insurance and railroad commissioners and two copies to each of the other officers at the capitol and one to each of their assistants; sixty copies to the state historical society, and one copy each to the state agricultural society and the state horticultural society, one copy each to the members of the state board of charities and reforms and the state board of supervision, one copy each to the academy of the arts and sciences, the home office of the Wisconsin humane society and to each branch of the same, to each regent of the state university and normal schools, to each college, academy, free high school, normal school and free public library of the state, to each charitable and penal institution, to each county clerk and county superintendent of schools, of the several counties of the state, to the clerk of the court for each United States court for Wisconsin, to each judge of the United States courts sitting within this state, to each justice of the supreme court, each circuit judge and each county judge, to each member of the state board of health, and to each reporter in regular attendance on the legislature. The remainder shall be kept by the secretary of state, who shall deliver to the superintendent of public property, at the beginning of each session of the legislature a sufficient number to supply one each to the several members, chief clerks and sergeants-at-arms of the two houses, and one each to the several committees and joint committees, and the remainder shall be kept for exchange. Each county clerk receiving such blue book, shall preserve and deliver the same to his successor in office, and it shall be for the use of all persons desiring to use the same in the office of such clerk. The expense of preparing and publishing such blue book, other than such as is covered by the contract with the state printer, shall be fixed by the secretary of state.

County clerks to deliver book received to successor.

SECTION 3. There is hereby appropriated biennially, out of any money in the treasury not otherwise appropriated a sum sufficient to carry out the provisions of this act.

Appropriation.

SECTION 4. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Repeal.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 921, A.] [Published April 19, 1889.]

CHAPTER 422.

AN ACT to legalize the acts of the Farmers' Mutual Fire Insurance company, of the town of Union in Rock county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalizing acts of Farmers' Mutual Fire Insurance Co. of Union.

SECTION 1. The acts of the Farmers' Mutual Fire Insurance company, of the town of Union, in Rock county, in adding five towns in Rock and Dane counties without filing the resolution adopted at its annual meeting and in not complying with section 5, of chapter 421, of laws of 1885, which requires all companies doing business in this state to file annual statements with county clerks, is hereby legalized, the same as if they had filed said statement and resolution.

SECTION 2. This act shall take effect and be in force upon and after its passage and publication.

Approved April 16, 1889.

[No. 767, A.] [Published April 19, 1889.]

CHAPTER 423.

AN ACT to appropriate to the Wisconsin State Agricultural society ten per cent. of its paid premiums.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Wis. State Agricultural Society, annual

SECTION 1. There is hereby annually appropriated to the Wisconsin State Agricultural society ten per centum of its paid premiums.

SECTION 2. On the presentation of the sworn statement of the secretary of said society, setting forth the amount due each year under this act, the secretary of state shall issue his warrant for the same which shall be paid by the state treasurer out of any money in the state treasury not otherwise appropriated. When secretary of state to issue warrant.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 738, A.] [Published April 19, 1889.]

CHAPTER 424.

AN ACT to prevent the manufacture and sale of fraudulent butter and cheese.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor shall he make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same for butter or cheese made from unadulterated milk or cream, or have the same in his possession or offer the same for sale with such intent, nor shall any article or substance or compound so made or produced be sold intentionally or otherwise as and for butter or cheese, the product of the dairy. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500). To prevent manufacture and sale of fraudulent butter and cheese. Penalty.

SECTION 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 735, A.] [Published April 22, 1889.]

CHAPTER 425.

AN ACT to establish a minimum standard for merchantable milk and to protect the purchasers and users of milk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of impure milk, penalty.

SECTION 1. Any person who shall sell or offer for sale, or furnish or deliver, or have in his possession with intent or sell or offer for sale or furnish or deliver to any creamery, cheese factory, corporation, persons or person whatsoever, as pure, wholesome and unskimmed, any unmerchantable, adulterated, impure or unwholesome milk, shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one hundred dollars for each and every offense.

What to show on prosecution, proof of impurity of milk.

SECTION 2. In all prosecutions or other proceedings under this or any other law of this state relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale, or furnished or delivered, or had in possession with intent to sell or offer for sale, or to furnish or deliver as aforesaid, as pure, wholesome and unskimmed, contains less than three per centum of pure butter fat, when subjected to chemical analysis or other satisfactory test, or that it has been diluted or any part of its cream abstracted, or that it, or any part of it, was drawn from cows known to the person complained of to have been within fifteen days before or four days after parturition, or to have any diseases or ulcers or other running sores, then and in either case the said milk shall be held, deemed and adjudged to have been unmerchantable and adulterated, impure or unwholesome, as the case may be.

Repealed.

SECTION 3. All acts and parts of acts conflicting with or contrary to the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 717, A.] [Published April 20, 1889.]

CHAPTER 426.

AN ACT to provide for more efficient supervision of free high schools and for promoting, and encouraging the organization of town high schools in rural townships.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State superintendent may appoint person to assist him in organizing free high schools.

SECTION 1. The state superintendent is hereby authorized to appoint a person of suitable qualifications to assist him in visiting, inspecting and supervising the free high schools of the state, and to aid in giving information and needed assistance to localities in organizing and maintaining free high schools in towns where no graded schools exist.

Compensation, to be paid from high school fund, ch. 352, laws 1885.

SECTION 2. The person appointed pursuant to the provisions of this act, shall receive an annual salary of eighteen hundred dollars, and reimbursement for all actual and necessary expenses incurred, payable monthly, upon the certificate of the state superintendent, from the annual appropriation to encourage the establishment of free high schools provided in chapter 352, of the general laws of 1885.

May perform services in superintendent's office when not otherwise engaged.

SECTION 3. The person hereby authorized to be appointed by the state superintendent, may be assigned such duties in the office of the state superintendent, when not engaged in the specific duties enumerated in section 1, of this act, as the said state superintendent may determine and designate.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 778, A.] [Published April 19, 1889.]

CHAPTER 427.

AN ACT to provide for the office of a school district officer becoming vacant.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When school district officer absent from district 60 days office deemed vacant, town clerk may fill.

SECTION 1. When any school district officer, either clerk, director or treasurer, shall be and remain absent from the district for which he was elected for a period exceeding sixty days, the office shall be deemed vacant by reason of such absence, and the remainder of the board shall have the power to appoint a successor, or in their failure so to do, the town clerk shall have the same power to fill the vacancy in said school district office as provided by section 433, of chapter 27, of the revised statutes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 907, A.] [Published April 19, 1889.]

CHAPTER 428.

AN ACT to authorize S. A. Sherman, his heirs and assigns, to erect and maintain a dam across the east branch of the Wisconsin river, in Portage county, on section eight (8), town twenty-three (23), range eight (8) east.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

S. A. Sherman et. al. may, build dam across east branch of Wisconsin river, Portage county.

SECTION 1. S. A. Sherman, his heirs and assigns, are hereby authorized to construct and maintain a dam across the east branch of the Wisconsin river, on section eight (8), township twenty-three (23), range eight (8) east; provided,

that said dam shall be so constructed as to allow the free and safe passage of logs, timber and lumber over it, without hindrance or delay; provided, said S. A. Sherman, his heirs and assigns, shall be subject to all the provisions of chapter 70, of the revised statutes of 1878, and all acts amendatory thereof, so far as the same may be applicable.

SECTION 2. The right to repeal or amend this act is hereby reserved.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 919, A.] [Published April 19, 1889.]

CHAPTER 429.

AN ACT to amend the charter of the city of Merril.

(See Vol. 2.)

[No. 910, A.] [Published April 19, 1889.]

CHAPTER 430.

AN ACT to authorize F. Hagen and M. A. English to build and maintain a pier in the waters of Green Bay, Door county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing F. Hagen et. al. to build and maintain pier in waters of Green Bay, Door county.

SECTION 1. Frank Hagen and M. A. English, their heirs and assigns, are hereby authorized to build and maintain a pier in the waters from a tract of land in fractional section six, township twenty-seven, range twenty-six east, on the westerly side of Sturgeon Bay, bounded west and south by the west and south lines of said section, east

by the shore of Sturgeon Bay, and north by a line beginning on the west line of the section aforesaid twenty and sixty one-hundredths chains north from the southwest corner of said section and running thence east six and seventy-three one-hundredths chains, thence south twenty-seven and one-half degrees, east four and twenty one-hundredths chains, and thence east four and thirty-four one-hundredths chains more or less to the shore of Sturgeon Bay, containing twenty-six and eight one-hundredths acres of land more or less, in Door county, Wisconsin; said pier to extend into the waters of the Sturgeon Bay, an arm of Green Bay, a distance of five hundred feet.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 819, A.] [Published April 20, 1889.]

CHAPTER 431.

AN ACT declaring Rice creek, in Barron county, navigable for steamboats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Declaring Rice Creek, in Barron county, navigable for steamboats.

SECTION 1. Rice creek, so called, in Barron county, is hereby declared navigable for steamboats from the north line of section nineteen (19), in township thirty-three (33) of range ten (10) west, to its outlet in Little Lake Chetek, in said township; provided, however, that the town of Chetek, in said county, shall not be required to construct, maintain or operate any draw-bridge or other bridge for the purpose of facilitating the passage of steamboats or other water crafts, in said Rice creek; and, provided, further, that nothing herein contained shall be construed to affect any rights, privileges or franchises heretofore conferred upon or enjoyed by any persons or corporations, in Chetek Lake or reservoir and dam, on lot number two, section thirty (30), in said town-

ship thirty-three (33), range ten, (10) or to prevent the using and operating of said dam and the gates therein for hydraulic and log driving purposes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 754, A.] [Published April 24, 1889.]

CHAPTER 432.

AN ACT relating to the destruction of noxious weeds, and amendatory of chapter 313, of the laws of 1887.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 313, laws 1887, destruction of noxious weeds, yellow dock included.

SECTION 1. Section 1, of chapter 313, of the laws of 1887, is hereby amended by adding after the words, "arvensis" in the eighth line of said section the words, "and yellow dock," so that said section, when amended, shall read as follows: Section 1. Every person and corporation shall destroy upon all lands which he or they shall own, occupy or control, all weeds known as Canada thistles (cirsium arvense), burdock (lappa officinalis), white or ox eye daisy (leucanthemum vulgare), snap dragon or toad flax (linaria vulgaris), cockle burr (zanthium strumarium), sow thistle (souchus arvensis), sour dock and yellow dock (rumex crispus), at such time and in such manner as shall effectually prevent them bearing seed. In like manner shall he, or they, also destroy any of the above mentioned weeds standing or growing as far as the center of the public highway, lanes or alleys adjoining the lands owned or controlled by him or them.

Amending sec. 2—any commissioner may notify.

SECTION 2. Section 2, of said chapter 313, is hereby amended by striking out the word, "the" where it occurs in the third line of said section, and inserting in lieu thereof, the word, "any," so that said section when amended, shall read as follows: Section 2. If the occupant of any such

lands shall fail to so destroy such weeds as so required after having six days' notice in writing by any commissioner of noxious weeds, such occupant shall be fined five dollars for the first offense and ten dollars for each offense thereafter.

Commissioners of noxious weeds, how appointed—duties.

SECTION 3. Said chapter 313, is hereby further amended by striking out all of section 4, of said chapter and insert in lieu thereof a new section, as follows: Section 4. It shall be the duty of the chairman of the board of supervisors of each town, the president of the village board of any village, and the mayor of any city, to appoint some competent person or persons, in their town, village or city, to be styled commissioner of noxious weeds, who shall be required to take the same oath as town officers, and shall hold his or their office for one year, and until his or their successors are appointed and qualified. Where more than one commissioner is appointed in any town, city or village, they shall be assigned separate and distinct districts or territories. For any good cause any such commissioner may be removed by the officer appointing him and a successor appointed to serve the unexpired term.

Amending sec. 5, white ox eye daisy, cockle bur, sow thistle, sour and yellow dock, included.

SECTION 4. Section 5, of said chapter 313, is hereby amended by inserting after the word, "snapdragon," where it occurs in the seventh line of said section, the words, "white or ox-eye daisy, cockle burr, sow thistle, sour dock and yellow dock," and by striking cut from the twelfth line of said section 5, the words, "supervisors or city council," and by inserting in lieu thereof, the words, "chairman of the town board, president of the village board or mayor of the city," so that said section, as amended shall read as follows: Section 5. The commissioner shall carefully inquire concerning the existence of noxious weeds in his township or precinct, and in case any person, persons or corporation occupying or controlling any lands within this state shall neglect to destroy any Canada thistle, burdock, snapdragon, white or ox-eye daisy, cockle burr, sow thistle, sour dock and yellow dock, growing on any lands owned or controlled by him or them, or any highway, lane or alley adjoining such lands, it shall be the duty of the commissioner to destroy or cause to be destroyed all such weeds. He shall spend as many days as the chairman of

the town board, president of the village or mayor of the city may deem necessary, and for each day so spent shall receive two dollars, upon presentation of his account therefor, verified by his oath and specifying by separate items against each piece of land, describing the same, and the several amounts shall be placed in the next tax roll in a separate column, headed, "for destruction of weeds," as a tax against the lands upon which such weeds were destroyed and be collected as other taxes.

Neglect of president of village or mayor to appoint commissioners as required by section 4—penalty.

SECTION 5. Said chapter 313, is hereby further amended by inserting after section 6, a new section, to be designated as section 6a, as follows: Section 6a. Any chairman of a town board, or any president of a village board, or the mayor of any city, who shall refuse or neglect to appoint one or more thistle commissioners, as provided in section 4, of said chapter, within thirty days next following their election, shall be fined not less than fifty dollars nor more than one hundred dollars and costs, on complaint made in writing by any resident of the county to a justice of the peace, or magistrate in such county. Any weed commissioner, after taking his oath of office, who shall refuse or neglect to perform the duties as prescribed in this chapter, shall be fined not less than ten nor more than twenty-five dollars and costs, on complaint stated as above, for each and every such offense.

Neglect of commissioner to perform duties—penalty.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 930, A.] [Published April 20, 1889.]

CHAPTER 433.

AN ACT to amend chapter 277, of the laws of 1885, entitled, "an act to authorize the city of Sheboygan to re-adjust certain of its corporate debt."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 277, laws 1885.

Issuance of re-adjustment bonds, city of Sheboygan.

SECTION 1. Section 3, of chapter 277, of the laws of 1885, is hereby amended so as to read as follows: Section 3. The re-adjustment bonds herein authorized shall be issued only in exchange for the outstanding bonds of said city as the same mature, or are offered for exchange or redemption, or said bonds may be issued and sold and the proceeds applied for the discharge of the principal of such outstanding bonds at the par value of each; and in no case shall the bonded indebtedness of said city be increased by such exchange, nor shall any bonds be sold unless an equal amount of the principal of outstanding bonds shall then be payable or offered for redemption, and be thereupon simultaneously redeemed. In case such re-adjustment bonds be sold for less than their par value, the common council shall forthwith provide for the immediate payment of such deficiency out of the general fund of said city.

Levy tax to pay.

SECTION 2. Section 4, of chapter 277, of the laws of 1885, is hereby amended so as to read as follows: Section 4. The common council shall, before, or at the time of the issue of said readjustment bonds, provide for the collection of a direct annual tax sufficient to pay the interest upon such bonds as the same falls due, and also to pay and discharge the principal thereof, within twenty years from the time of issuing the same.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 927, A.] [Published April 22, 1889.]

CHAPTER 434.

AN ACT for an act giving consent to the United States to locate, construct and maintain a levee in Columbia county, Wisconsin, and to authorize local authorities to acquire and convey lands for said purpose.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

U. S. may locate and construct levee in city of Portage.

SECTION 1. The consent of the state of Wisconsin is hereby given to the United States to locate, construct and maintain a levee from the canal in the city of Portage, in Columbia county, to such point in the town of Pacific, in said county, as it may deem necessary, and to acquire such lands as may be needed for the construction and maintenance thereof.

May acquire title to lands.

SECTION 2. The city and town authorities of the city of Portage and town of Pacific, in the county of Columbia, are hereby empowered to acquire title to such lands, as may be necessary, for the right of way for the levee mentioned in the foregoing section, and convey the same or any lands owned by said city or town, including those used for highway purposes, to the United States for the purpose of said levee.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved April 16, 1889.

[No. 703, A.] [Published April 25, 1889.]

CHAPTER 435.

AN ACT to amend the charter of the city of Fond du Lac.

(See Vol. 2.)

[No. 915, A.] [Published April 19, 1889.]

CHAPTER 436.

AN ACT to provide for a safe depository for moneys paid into court in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When money paid into court judge may order same deposited in safe depository when amount exceeds $1,000.

SECTION 1. The judge of the circuit court in any county, on the application of a party to any action or proceeding in such court, paying money into court in any such action or proceeding exceeding the sum of one thousand dollars ($1,000), may order said money to be deposited in some safe depository until the further order of said judge or court, said money to be paid out of said depository only upon a check by the clerk of said court, drawn in pursuance of an order by said judge or court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 605, A.] [Published April 20, 1889.]

CHAPTER 437.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 549, A.] [Published April 19, 1889.]

CHAPTER 438.

AN ACT to define the liability of railway corporations in relation to damages sustained by their employes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Liabilities of railroads for injuries sustained by employes—when damages caused by certain.

SECTION 1. Every railroad corporation doing business in this state, shall be liable for damages sustained by any employe thereof within this state, without contributing negligence on his part, when such damage is caused by the negligence of any train dispatcher, telegraph operator, superintendent, yard master, conductor or engineer, or of any other employe, who has charge or control of any stationary signal, target point, block or switch.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 545, A.] [Published April 19, 1889.]

CHAPTER 439.

AN ACT to amend certain sections of the laws of 1887, relating to the drainage of Beaver Dam river, in Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 528, laws 1887, drainage of Beaver Dam river, Dodge county.

SECTION 1. Section 1, of chapter 528, general laws of 1887, is hereby amended by adding after the words, "adjacent to," where they occur in said section, the words, "or overflow or damaged by."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 674, A.] [Published April 26, 1889.]

CHAPTER 440.

AN ACT to amend chapter 269, of the laws of 1880, providing for the inspection of illuminating oils manufactured from petroleum or coal oil, and to regulate the sale thereof, and the acts amendatory thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 3, ch. 269, laws of 1880, as amended by ch. 158, laws 1883.

SECTION 1. Section 3, of chapter 269, of the laws of 1880, as amended by section 1, of chapter 288, of the laws of 1881, and by section 1, of chapter 158, of the laws of 1883, is hereby amended by striking out all after the numbers of said sections and inserting the following in lieu thereof: The state supervisor of inspectors of illuminating oils shall appoint, in accordance with the provisions of this act, inspectors of illuminating oils, who shall examine and test all illuminating oils offered for sale or for use in this state by any person whatsoever, and shall demand and receive all fees in payment for such examining and testing, and who shall be liable to all the penalties hereinafter provided for any neglect, or for any willful misconduct or malfeasance in the discharge of the duties aforesaid; and the said state supervisor shall have power at any time to remove any inspector so appointed upon reasonable notice for reasonable cause. And the said supervisor and all inspectors appointed under the provisions of this act shall, before entering upon the duties of their respective offices, take an oath or affirmation faithfully to discharge the duties of the same as prescribed by the constitution and laws of this state, and the said supervisor shall execute a bond to the people of the state in the sum of two thousand dollars ($2,000), conditioned for the faithful performance of all the duties imposed by this act, said bond to be filed in the office of secretary of state; and every inspector appointed under this act shall execute a bond to the people of this state in such sum not exceeding two thousand dollars ($2,000), as may

Supervisor to appoint inspectors—fees—liability of.

Removal.

Bond of supervisor, amount, condition.

Of inspectors—where filed.

be fixed in each case by the state supervisor, conditioned as aforesaid, such bond to be filed in the office of the clerk of the county wherein the inspector executing the same shall reside, and the duplicate copy thereof duly certified by the county clerk shall be filed in the office of the state supervisor; and all bonds executed under the provisions of this act shall be for the use of all persons aggrieved by the acts or neglect of the state supervisor, or of the inspectors respectively executing the same. The sureties on the bond of the state supervisor shall be approved by the secretary of state, and the sureties on the bonds of the inspectors shall be approved by the judge of probate in the counties in which the inspectors executing the same shall respectively reside; it shall be the duty of every inspector appointed under the provisions of this act to provide at his own cost and expense all the necessary instruments and apparatus for examining, testing and branding illuminating oils under the provisions of this act, and promptly to examine or test, when called upon for that purpose, any oils offered for sale, or for use for illuminating purposes; and if, upon such examination or test, such oils shall be found to meet the requirements of this act, he shall affix to the package, cask or barrel containing the same a brand or device containing the word, "approved," with the date of testing, over his official signature upon the package, cask or barrel containing the same, and it shall be lawful for any person to sell the same as an illuminating oil within this state, but if the oil so tested shall not meet the aforesaid requirements, he shall brand in plain letters on the package, cask or barrel containing the same over his official signature, the words, "rejected for illuminating purposes in the state of Wisconsin," with the date of testing thereof, and it shall be unlawful for the owner thereof to sell such oil for illuminating purposes; and said brand for the approval of oils shall furtner contain such device indicating the test of such oils as the state supervisor may direct. the term cask, barrel, package or sample of oil as used in this act, shall be held and taken to mean a quantity not exceeding that contained in an

Secretary of state to approve of, of supervisor; county judge of inspector.

Duty of inspectors in testing oils.

Brand on package, cask or barrel.

Terms defined.

ordinary commercial barrel, estimated as capable of containing about fifty gallons.

Repeal.

SECTION 2. All acts or parts of acts inconsistent herewith so far as they contravene the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 324, A.] [Published April 24, 1889.]

CHAPTER 441.

AN ACT to amend section 1738, of the revised statutes, and repealing chapter 267, of the laws of 1883, relating to log marks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal of ch. 267, laws of 1883.

SECTION 1. Every person, copartnership or corporation who shall put any logs, timber or other floatables into the Wisconsin river, or any stream of water flowing into or tributary to said river for the purpose of rafting or floating the same to any other place, shall have some mark or marks previously selected and recorded in the manner hereinafter specified, impressed in a conspicuous place or places upon the end and surface of each of said logs or sticks of timber and floatables so put into any of the aforesaid waters.

Mark on logs—to be recorded and impressed on.

Diagram to be recorded in office of lumber inspector.

SECTION 2. Before any such mark or marks shall be used it shall be the duty of every such person, co-partnership or corporation intending to use the same to cause a diagram and a full and complete written description thereof, signed by such person, copartnership or corporation, to be recorded in the office of the lumber inspector of any lumber district through which said river, or any of its tributaries, streams or waters, and shall also give notice ther of in writing to each log running or boom-ing company doing business (on) said river or any of its tributaries. The mark or marks of

which the diagram and description are to be recorded as aforesaid, must be different from any mark previously recorded in said office and used in the same district by any other person, firm or corporation. No person shall use any mark on any such logs, timber or other floatables until he shall have caused a diagram and description thereof to be recorded as aforesaid; and no person shall use any mark previously recorded and used by another in the same district unless authorized so to do by an instrument in writing, executed and acknowledged by the owner of such mark and recorded in the office or offices where said mark is recorded, and no person shall mark any prize log; and for each and every violation of either of said provisions of this section the offender shall forfeit ten dollars, one-half for the use of the person prosecuting therefor.

No two marks alike.

Not to be used until recorded nor one of any mark previously recorded, unless authorized.

Penalty.

SECTION 3. It shall be the duty of every such lumber inspector to record in a book kept by him for that purpose, all marks and descriptions and all assignments and transfers thereof furnished to him for that purpose, and which marks and descriptions are different from any other mark or description there recorded; which book shall be at all times open for inspection of all persons, but no mark or description that in any way conflicts with any mark or description before recorded in the office of such inspector, shall be recorded by him, and each lumber inspector shall be entitled to receive for his fees for each mark and description and each assignment or transfer thereof, so recorded, fifty cents, to be paid in advance by the party having the same recorded.

Lumber inspector to record marks, etc., in a book, same to be kept open for inspection.

Fees.

SECTION 4. Any logs, timber or other floatables having any such recorded mark or marks impressed thereon, shall be presumed to belong to the party or parties in whose name said mark or marks shall have been recorded.

Presumption of ownership.

SECTION 5. If any person shall falsely make, forge or counterfeit any such mark and use the same in marking logs or timber, knowing the same to be the mark of another person, firm or corporation, and with intent to defraud, he shall be deemed guilty of felony and shall be punished by imprisonment in the state prison not to exceed five years, or by fine of not less than five hundred dollars, or more than two thousand dollars.

Penalty for falsely making or counterfeiting and using.

Marks recorded in certain, to be re-recorded.

SECTION 6. All log marks recorded in the offices of the lumber inspectors of the first, tenth and fourteenth districts, or in either of them prior to January 1, 1880, shall be re-recorded, by the parties claiming the same within six months after the passage of this act. All such marks not so re-recorded shall be deemed to have been abandoned by the owners and any other person thereupon, may record and use any of such marks the same as if said marks had not been previously recorded and the lumber inspectors of each of said districts shall be entitled to receive for the recording of each such mark the sum of twenty-five cents.

Sec. 1738, R. S., repealed.

SECTION 7. Section 1738, of the revised statutes, and all other acts and parts of acts, so far only as the same conflict or are inconsistent with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 513, A.] [Published April 23, 1889.]

CHAPTER 442.

AN ACT to provide for appointment of inspectors and clerks of election in cities of one hundred and fifty thousand inhabitants or more.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointment of inspectors and clerks of election in cities of 50,000 or more.

SECTION 1. In every city in the state of Wisconsin, having a population of fifty thousand inhabitants or more, according to the last general United States census, the mayor shall on or before the first Monday in August of each year request the ward committee, if there be one, if not, the city or county committee of each political party that cast an aggregate of five thousand votes in such city at the last preceding general election, to nominate one or more suitable persons for inspectors and clerks of each election

precinct of said ward. From the names so furnished him, the mayor shall appoint and notify the common council of such city at its first regular meeting in September, of such appointments, three inspectors of election and two clerks of election for each election district in said city. In case there were more than two political parties organized and voting at the last preceding election the mayor shall appoint not more than one inspector and one clerk from the same political party. Persons so appointed by the mayor to act as inspectors and clerks shall hold their office for the term of one year. In case of a vacancy arising at any time in the office of inspector, or clerk, it shall be the duty of the mayor to fill such vacancy using the names as hereinabove provided, so far as practicable for that purpose. In case of a vacancy occurring on the days of registration, or on election day, it shall be the duty of the remaining inspectors to fill such vacancy. Such inspectors and clerks shall be electors in the precinct for which they shall be appointed inspectors or clerks; shall be able to read and write the English language understandingly; shall not be candidates to be voted for at any election for which they may be appointed inspectors or clerks. A vacancy occurring in the office of inspector or clerk shall be filled as hereinbefore provided, by persons of the same political party as the persons they succeed. Persons appointed to fill vacancies shall hold their office for the unexpired term, of any persons in whose stead they may be appointed, they shall act as inspectors and clerks at every general election, election of judicial officers, city elections and all special elections held within their precinct during such time; they shall receive such compensation for their services and be liable to such penalties for any violation of their duties as is provided by law for inspectors and clerks of election in other cases.

Mayor to appoint.

Vacancies may be filled.

Qualifications required.

Compensation.

SECTION 2. All persons, who possess the qualifications hereinbefore provided, shall be liable to be appointed such inspectors or clerks of election. None shall be exempt from such service, except such persons as are now exempt by law from jury service.

None exempt from service.

SECTION 3. The city clerk shall without necessary delay cause to be served upon each person

Notice of appointment to be served.

appointed as inspector or clerk, a notice in writing signed by him as such city clerk with the corporate seal of the city duly affixed thereto, setting forth the fact of the appointment of said person as inspector or clerk, and shall require such person within ten days from the date of the service of such notice upon him to take and subscribe and file with the city clerk the oath of office as provided by law. Such notice may be served by any police officer of any such city. No person who has been appointed, as inspector or clerk, as hereinbefore provided, shall be excused from duty as such inspector or clerk except by the mayor of such city and then only upon good cause being shown to the satisfaction of the mayor.

Mayor may excuse party from acting.

Penalty for neglect to act.

SECTION 4. If any person lawfully notified as herein provided, to qualify and act as inspector or clerk of election, shall neglect to qualify within the time specified, or to act as inspector or clerk of election on any day of registration or election, without being excused as hereinbefore provided, he shall pay a fine not exceeding forty dollars, which shall be imposed by the municipal court of any such city. It shall be the duty of the city attorney of any such city, to prosecute every such person in such court in the name of such city.

City attorney to prosecute.

Repeal.

SECTION 5. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 305, A.] [Published April 23, 1889.]

CHAPTER 443.

AN ACT to amend chapter 374, of the laws of 1887, entitled, an act to secure the better preservation of game.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 374, laws 1887.

SECTION 1. Section 1, of chapter 374, of the laws of 1887, is hereby amended by striking out

the word "first," where it occurs in the third line of said section, and inserting in lieu thereof, the word, "fifteenth;" and also by striking out the word, "tenth," where it occurs in the fourth line of said section and inserting in lieu thereof the word, "first;" and also by striking out the word, "July," where it occurs at the end of said section, and inserting in lieu thereof the word, "August," so that said section when amended shall read as follows: Section 1. It shall be unlawful to take, catch, kill, or have in possession when killed or taken, any woodcock, between the fifteenth day of December and the succeeding first day of August.

When game may be taken, etc.

SECTION 2. Section 2, of chapter 374, of the laws of 1887, is hereby amended by inserting after the word, "fowl," where the same occurs in the seventh line of said section, the following words: "whatever, or any squirrel of any kind;" and also by striking out the word, "first," where the same occurs in the eighth line of said section, and inserting in lieu thereof the word, "fifteenth;" so that said section when amended shall read as follows: Section 2. It shall be unlawful to take, catch, kill, or have in possession when killed or taken, any quail, partridge, pheasant or ruffled grouse, prairie hen or prairie chicken, sharp-tailed grouse, or grouse of any other variety, snipe, plover, or wild duck of any variety, or wild goose or brant of any variety, or any aquatic fowl whatever, or any squirrel of any kind whatever, between the fifteenth day of December and the succeeding first day of August.

Squirrels protected.

When may be taken.

SECTION 3. Section 3, of chapter 374, of the laws of 1887, is hereby amended so as to read as follows: Section 3. It shall be unlawful to kill or take by any means, contrivance or device whatever, or pursue with intent to kill or take or worry, any deer, buck, doe or fawn, between the first day of December and the succeeding fifteenth day of October, or to hunt deer, buck, doe or fawn with dog or dogs at any time. And it shall also be unlawful for any person or persons to sell or expose for sale, or have in possession for the purpose of exposing for sale, any of the kind of game, birds, animals or venison protected by this act after the expiration of eight days next succeeding

Deer, buck, doe or fawn, when and how.

the time limited and prescribed for the killing of any such birds or animals.

Amending sec. 4.

SECTION 4. Section 4, of chapter 374, of the laws of 1887, is hereby amended by inserting after the words, spring gun, where the same occur in the fifth line of said section, the following words: "or any other contrivance;" and it shall be unlawful for any person or persons to place, spread or set anywhere, or permit to be placed, spread or set, any net, trap or snare for the purpose of catching, taking or killing any of the animals or birds mentioned in the first three sections of this act; and any game warden, deputy game warden, sheriff, coroner or constable, having reason to believe that any violation against the provisions of any of the sections of this act has been or is about to be committed, may enter upon any land in search of evidence thereof and shall seize, confiscate and remove any net, trap or snare which shall be found so placed, spread or set as to indicate the purpose of taking, catching or killing of any of the animals or birds mentioned aforesaid, and take the same before any justice of the peace, police court or magistrate of the county, and if it shall be established on the trial to the satisfaction of such magistrate that such net, trap or snare was so placed, spread or set with design to make use of the same for catching, taking or killing any of the animals or birds mentioned aforesaid, contrary to the provisions of this act, such magistrate shall enter as part of his judgment, a finding to that effect and shall order and cause such net, trap, or snare or devise, to be destroyed by the game warden, his deputy or sheriff or any other official;" so that said section when amended shall read as follows: Section 4. It shall be unlawful at any time to take catch or kill, or attempt to take, catch or kill any of the animals or birds mentioned in the first three sections of this act, by means of any snare, net, trap or spring gun or any other contrivance; and it shall be unlawful for any person or persons to place, spread or set anywhere, or permit to be placed, spread or set, any net, trap or snare for the purpose of catching, taking or killing any of the animals or birds mentioned in the first three sections of this act; and any game warden, deputy game warden, sheriff, coroner or con-

Nets, etc., not to be used.

Nets, snares, etc., not to be used.

stable having reason to believe that any violation against the provisions of any of the sections of this act has been, or is about to be committed, may enter upon any land in search of evidence thereof and shall seize, confiscate and remove any net, trap or snare, which shall be found so placed, spread or set as to indicate the purpose of taking, catching or killing of any of the animals or birds mentioned aforesaid, and take the same before any justice of the peace, police court or magistrate of the county, and if it shall be established on the trial to the satisfaction of such magistrate that such net, trap or snare was so placed, spread or set with design to make use of the same for catching, taking or killing any of the animals or birds mentioned aforesaid, contrary to the provisions of this act, such magistrate shall enter as part of his judgment a finding to that effect, and shall order and cause such net, trap or snare or device to be destroyed by the game warden, his deputy, or sheriff, or any other official; and it shall also be unlawful at any time to use in pursuit of any such animal or bird any pivot or swivel gun, or any other fire-arm not habitually held at arm's length and discharged from the shoulder.

Birds' eggs protected.

SECTION 5. Section 5, of chapter 374, of the laws of 1887, is hereby amended by inserting after the words, "wild pigeon," where the same occur in the third line of said section, the words, "king-bird, robin, thrush, blue-bird, swallow, cat bird, woodpecker, flicker, pigeon, dove, wren, finch lark, plover, oriole, humming bird, bunting, grackle, grosbeak, warbler, flycatcher, swift, wax-wing, creeper, chic-a-dee, goatsucker, tanager or whip-poor-will," or to wantonly disturb or molest the nesting place of any such bird or pigeon, or to kill, wound or take any wild pigeon within three miles of the pigeon roost.

Use of scull boat or any b at propelled by oars prohibited.

SECTION 6. Section 6, of chapter 374, of the laws of 1887, is hereby amended by inserting after the words, "sneak boat," where the same occur in the third line of said section, the following words, "or scull boat, or any boat impelled by scull oars," so that said section when amended shall read as follows: Section 6. It shall be unlawful to use in the pursuit of any duck, goose, brant or other aquatic bird, any sneak boat or scull boat, or any

boat impelled by scull oars, sail boat, steam-boat, or floating raft or box, or any similar device, and it shall also be unlawful to construct or use any blind in the open water outside the natural growth of grass or rushes then and there projecting above the water.

Hare and rabbits hunted only with fire-arm held at arms' length and discharged from shoulder.

SECTION 7. Chapter 374, of the laws of 1887, is hereby amended by adding at the end of section 6, a new section, to be known as section 6a, which shall read as follows: Section 6a. It shall be unlawful for any person or persons to use or employ, or cause to be used or employed, in the pursuit, taking, hunting or killing, or worrying hare or rabbits of any kind, any ferret or ferrets, nets, traps, snares, sticks, dogs or clubs, or any other means or contrivance whatever except a fire-arm, habitually held at arms' length and discharged from the shoulder.

Penalty for violation.

SECTION 8. Section 11, of chapter 374, of the laws of 1887, is hereby amended by inserting after the word, "provision," where the same appears in the second line of said section, the following words: "of section 1, section 2, section 4, section 5, section 6, section 6a, section 7, section 8, section 9, section 10;" also by inserting after the word, "five," where it occurs in the third line of said section, the words, "of not less than five dollars and;" also striking out the words, "one hundred" where they occur in the fourth line of said section and place in lieu thereof the word, "twenty-five," also by striking out the words, "six months" where they occur in the fifth line of said section and place in lieu thereof the words, "sixty days," also by inserting after the word, "imprisonment" where it occurs in the sixth line of said section the following words, "and any person who shall violate any provision of section 3, of this act shall be guilty of a misdemeanor and shall be punished by fine not less than twenty-five dollars and not more than one hundred dollars or by imprisonment in the county jail not less than sixty days nor more than six months or by both such fine and imprisonment, so that said section when amended shall read as follows: Section 11. Any person who shall violate any provision of section 1, section 2, section 4, section 5, section 6, section 6a, section 7, section 8, section 9, section 10 of this act, shall be guilty of

misdemeanor, and shall be punished by a fine of not less than five dollars and not exceeding twenty-five dollars, or by imprisonment in the county jail not more than sixty days, or by both such fine and imprisonment; and any person who shall violate any provision of section 3, of this act shall be guilty of a misdemeanor and shall be punished by fine not less than twenty-five dollars and not more than one hundred dollars, or by imprisonment in the county jail not less than sixty days nor more than six months, or by both such fine and imprisonment.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 935, A.] [Published April 23, 1889.]

CHAPTER 444.

AN ACT to amend the charter of the city of Rice Lake.

(See Vol. 2.)

[No. 511, A.] [Published April 26, 1889.]

CHAPTER 445.

AN ACT to authorize parties therein named to construct and maintain a dam or dams across the Chief river, town forty one north, range seven west, and to collect toll on same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of improving Little Chief creek, from the north line to the south line of town forty-one north, of range seven west, in

James Wright et al. authorized to build dam across Little Chief creek, Sawyer county.

Sawyer county, Wisconsin, so as to improve and facilitate the driving and floating of logs and timber in and down the same, James Wright, his associates and assigns, are hereby authorized and empowered to improve said Little Chief creek by building and maintaining a dam or dams across the same, on section sixteen and other localities along said stream in town forty-one north, range seven west, in said Sawyer county, and by clearing and straightening channels, closing sloughs, driving piles and constructing and placing booms therein, and otherwise, so as to improve said creek for floating and driving saw logs and timber in and down the same, and keep said improvements in repair and at all times operate the same for the driving and floating of all logs and timber that may be put in said Little Chief creek for the purpose of being driven and floated down and out of said creek.

May collect tolls.

SECTION 2. Whenever the said James Wright, his associates or assigns shall, with the aid of the improvements heretofore made by him thereon, have so improved said Little Chief creek so as to render the floating and driving of logs and timber down said creek, reasonably practicable and certain, and shall maintain and operate the same, so that logs and timber can be so floated and driven down said creek with reasonable certainty, on such freshets and with such rises of water as are necessary to float and drive logs in connection with the aforesaid improvements, the said James Wright, his associates or assigns, in consideration of such improvements, and the facilities obtained thereby, shall be and hereby is and are authorized to charge, and shall be entitled to collect and receive of any and all persons owning or controlling logs and timber, or either thereof, in said Little Chief creek, ten cents per thousand feet, board measure, providing that no tolls shall be charged or collected on logs or timber put into said creek below the south line of town forty one north, of range seven west, for all logs and timber put into said Little Chief creek, as toll, on all such logs and timber so designed and intended to be floated or driven down the same, from sections sixteen, forty-one, seven, and for all logs and timber put into said Little Chief above section sixteen and up to the town line

of forty-one and forty-two, the sum of fifteen cents per thousand feet, board measure.

Tolls on Little Chief creek.

SECTION 3. Whenever the said James Wright, his associates or assigns, shall have so improved said Little Chief creek, as aforesaid, as provided in the preceding sections, he and they shall be and hereby are authorized to take possession of all logs and timber put into said creek to be floated or driven down the same, the owners or persons in control of which shall not have made adequate provisions for driving the same, or which may be in the way of the main drive on said creek, and to drive the same down said Little Chief- creek, and shall be and hereby are authorized to charge and entitled to collect and receive of the owners of such logs or timber, sixty cents per thousand feet, board measure, for all of such logs or timber so driven down and out of said Little Chief creek.

To have lien for charges.

SECTION 4. For all such charges for toll or otherwise on account of such improvements, and for driving any logs or timber under the provisions of this act, the said James Wright, his associates, and assigns, may, and shall have, and the same shall be a lien upon all such logs and timber as may be put in said Little Chief creek, to be floated or driven down said creek, or that may be driven down said creek by the said James Wright, his associates or assigns; and such liens, whether for tolls or driving, or both, may be enforced in the same manner in every respect as other liens for labor or services on logs or timber is or can be enforced under or pursuant to chapter 143, of the revised statutes of this state, for the year 1878, and the acts amendatory thereof.

Rights reserved.

SECTION 5. The right to alter, amend or repeal this act is hereby reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 782, A.] [Published April 26, 1889.]

CHAPTER 446.

AN ACT a bill for an act to authorize William Sauntry his heirs or assigns to build and maintain dams across and upon the Moose river, below where said river crosses the east line of township forty-five (45) north of range thirteen (13) west.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing William Sauntry et al. to build dams on Moose and St. Croix rivers.

SECTION 1. For the purpose of improving the navigation of the Moose river below where it crosses the east line of township forty-five (45) north, of range thirteen (13) west, and of the St. Croix river between where it crosses the west line of section six (6) in township forty-four (44) north, of range eleven (11) west, and the west line of township forty-three (43) north of range thirteen (13) west, William Sauntry, his heirs or assigns, are hereby authorized to build, maintain and operate such dam or dams upon said rivers, or either of the same, between the points aforesaid, as they may select, not however, to exceed three dams upon each of said rivers, in order to render the driving of logs down said rivers reasonably convenient and certain. Provided, that each dam hereby authorized upon said Moose river shall not raise the water to exceed fourteen feet, and that each dam hereby authorized to be built upon the said St. Croix river shall not raise the water to exceed twelve feet.

How constructed and maintained.

SECTION 2. All dams authorized by this act shall be constructed and maintained with suitable gates and sluices for the passage of logs over the same, and the management and control of the water collected therein in aid of the navigation of the said rivers. And all such dams, their gates and sluices, erected or maintained upon said rivers, or either of the same, by said William Sauntry, his heirs or assigns, under the provisions of this act, shall at all times be under the exclusive control of said William Sauntry, his heirs or assigns, and shall be so controlled and managed

as in the judgment of said William Sauntry, his heirs or assigns, will best subserve the interests of all parties engaged in driving logs or timber down said rivers.

May collect tolls, to have lien for.

SECTION 3. As compensation for the improvement of said rivers, when said William Sauntry, his heirs or assigns, shall have erected and shall maintain either or all of said dams across said rivers, or either of the same, they shall be entitled, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect, as a toll, the sum of six cents per thousand feet, board measure, on all logs or timber sluiced or driven through or by the aid of each and every of said dams, or the waters collected therein, hereby authorized on said Moose river; and the sum of ten cents on each and every of said dams hereby authorized on the St Croix river. And the said William Sauntry, his heirs or assigns, are hereby authorized to demand and receive the said toll before they shall be required to permit the use of the waters retained by said dams for the purpose of sluicing or driving any logs or timber on said river or rivers, and in case any logs or timber are sluiced or driven down said river or rivers, through or below either of said dams, with the consent of said William Sauntry, his heirs or assigns, or otherwise without the toll thereon, first having been paid, the said toll shall be and remain a lien upon all said logs or timber bearing the same mark, until the said toll is paid, which said lien shall take precedence of any and all other liens upon such logs or timber, except liens for labor, and the lien hereby given shall be enforced in the same manner and with like effect as liens for labor upon logs, as provided in chapter 143, of the revised statutes of 1878, and the several acts of the legislature amendatory thereof, which said chapter and the several acts amendatory thereof, are hereby made applicable hereunto, except that the statement of the debt or demand therein required to be filed in the office of the clerk of the circuit court may be filed at any time prior to the first day of October in the year in which the last sluicing or driving of such logs or timber shall have been done. The owner or owners of any such logs or timber sluiced or driven down said river

or rivers, through or below said dam or dams, shall be liable for the toll thereon, and any person having a mortgage upon any such logs or timber at the time the same are so sluiced or driven, who shall afterwards sell or take possession of such logs or timber by virtue of such mortgage, shall thereby become liable for the toll due thereon, and said William Sauntry, his heirs or assigns, are hereby authorized to sue for and recover the same from such mortgagee.

May exercise rights under sec. 1777, R. S.

SECTION 4. Said William Sauntry, his heirs or assigns, for the purpose of acquiring any flowage rights that they may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by section 1777, of the revised statutes of 1878.

Repeal.

SECTION 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 6. The right to alter, amend or repeal this act is hereby reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 618, A.] [Published April 24, 1889.]

CHAPTER 447.

AN ACT to amend chapter 438, laws of 1885, entitled, An act relating to excise and the sale of intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 3, ch. 438, laws 1885, sec. 1556, R. S.

SECTION 1. Section 3, of chapter 438, laws of 1885, is hereby amended by striking out the words, "with knowledge thereof," where they occur in the ninth line of said section, also the last three lines of said section, and by inserting after the words, "to testify as to where," where they occur in the twenty-fourth line of said section, the words, "and from, through or by whom or by whose agency," so that the same when

amended shall read as follows: Section 1556, of the revised statutes of 1878, as amended by chapter 312, of the laws of 1880, and section 6, of chapter 322, of the laws of 1882, is hereby amended so as to read as follows: Section 1556. When the sale or giving away of any ardent, spirituous or intoxicating liquors or drinks to any person shall have been forbidden in the manner provided by law, every person who shall sell or give, to or for, or purchase or procure for, or in behalf of such prohibited person, any such liquors or drinks, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding fifty dollars ($50), and the costs of prosecution; and in default of immediate payment thereof, he shall be committed to the county jail not less than thirty days, unless sooner discharged by the payment or such fine and costs. The person to whom the selling to or purchasing or procuring for any such ardent, spirituous or intoxicating drinks has been prohibited, may be arrested on complaint of any supervisor, trustee, alderman, or county superintendent of the poor, and brought before any justice of the peace of the county to testify as to where and from, through or by whom, or by whose agency, he obtained or procured intoxicating drinks, and if he shall refuse to testify, he shall be committed to the county jail to be detained therein until he shall so testify or be discharged by order of the court. In any such prosecution it shall not be necessary to allege in the complaint or information any facts tending to show that the person to whom such liquors or drinks were sold or given was a person to whom the sale of such liquors or drinks might lawfully or properly be forbidden, but it shall be sufficient to allege generally, that such liquors or drinks were given or sold by the accused to such person.

May be committed on refusal to testify as to where liquor was obtained.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 87, A.] [Published April 26, 1889.]

CHAPTER 448.

AN ACT to amend chapter 143, revised statutes, relating to liens.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Liens of miners, etc., for labor.

SECTION 1. Any person who shall do or perform any work, labor, or services, for any person, persons, or corporation, engaged in or organized for the purpose of mining, smelting, or manufacturing iron, copper, silver or other ores or minerals in this state, and any bona fide holder of any draft, time check or order for the payment of money due for any such labor issued or drawn by any person or corporation, shall have a lien for the wages due him, or for the amount due on such draft, time check or order, upon all the personal property connected with such mining, smelting or manufacturing industry belonging to such person, persons or corporation, including the ores or products of such mine or manufactory, together with the machinery and other personal property used in the operation of such mining, smelting or manufacturing industry, and all the interest of such person, persons, or corporation in any real estate belonging thereto and connected with such business, which said lien shall take precedence of all other debts, judgments or decrees, liens or mortgages, against such person, persons or corporation, except liens accruing to this state for taxes, fines or penalties, subject to the exceptions and limitations hereinafter set forth.

Extent of lien.

SECTION 2. Such liens shall extend only to the amount of the interest in the real property held by such employer or employers, and in case of the death, insolvency or assignment of such employer or employers, or in case of the sale or transfer of the works, mines, manufactories or business of such employer or employers, or their interest therein, by execution or otherwise, all moneys that may be due for wages to any miner, mechanic or laborer, shall be a lien upon all said property,

and shall be preferred and first paid out of the proceeds of the sale of such mine, manufactory, business or other property, as aforesaid; provided, that this act shall not be so construed as to impair contracts existing or liens of record vested prior to its passage. And provided further, that no such claim shall be a lien upon any real estate, unless the same shall be filed in the office of the clerk of the circuit court of the county in which such real estate is situated, within sixty days after the same is due and payable, in the same manner as mechanics' liens are now filed.

Not to impair contracts.

SECTION 3. In all cases of attachments, executions, or similar writs, which may be hereafter issued against any person, persons or corporation engaged in the business of mining, manufacturing or smelting as aforesaid, it shall be lawful for such miners, laborers, mechanics or other persons to give notice in writing of their claim or claims, and the amount thereof verified by affidavit, to the officers executing said writs at any time before the actual sale of the property levied on, and it shall thereupon become the duty of such officer to retain out of the proceeds of such sale a sufficient amount to satisfy all such lien claims, which amount shall be subject to the order of the court.

When notice of claim may be given.

SECTION 4. No mortgage or other instrument by which a lien is hereafter created shall operate to impair or postpone the lien and preference given and secured to the wages and moneys mentioned in the first section of this act. Provided, that no lien of mortgage or judgment duly entered before such labor is performed shall be affected or impaired thereby.

Mortgage or other instrument not to impair lien.

SECTION 5. The liens and preferences given by this act may be foreclosed in the same manner as mechanics' liens, and all provisions and practice relating to the method of foreclosing such liens so far as the same are applicable, shall apply to the liens created by this act.

How foreclosed.

SECTION 6. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Repeal.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 195, A.] [Published April 19, 1889.]

CHAPTER 449.

AN ACT to authorize Herman Schwanke, Herman Wilkes and H. A. Wichman and their assigns, to build and maintain dams on and across the Embarrass river, in Shawano county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing Herman Schwanke et al. to build dams on Embarrass river, Shawano county.

SECTION 1. Herman Shwanke, Herman Wilkes and H. A. Wichman, their associates and assigns, are hereby empowered and authorized to maintain such dams as they have heretofore built in sections thirteen and ten, in township twenty-six, range eleven east, for the purpose of facilitating the running and driving of logs and timber down said Embarrass river; provided, that said dam or dams shall not raise the water to exceed ten feet, and shall be subject to the existing laws regarding the flowage of lands.

Additional dams.

SECTION 2. And for the purpose of facilitating the running and driving logs and timber down said river aforesaid, the parties aforesaid, their associates and assigns, are hereby authorized and empowered to build and maintain, in and across said Embarrass river, on the northeast of the southeast of section thirteen, and on the southeast of the southeast of section ten, in township twenty-six, range eleven east, or anywhere along said river in said township. They are authorized and empowered to build and maintain a sufficient number of dams, so as to make the driving of logs reasonably certain.

How constructed.

SECTION 3. Said dam or dams shall contain suitable gates and slides, and whenever the said parties, their associates or assigns, shall have built any dam or dams with suitable gates and slides, for the purpose of sluicing and driving logs over said dam or dams, and floating and driving logs in and down said river, and so improve said stream as aforesaid, and operate said dam or dams, and improvements, so that logs can be driven down said river with reasonable certainty,

the said Herman Schwanke, Herman Wilkes and H. A. Wichman, their associates or assigns, in consideration of the building, maintaining and operating said dam or dams, and other improvements, and the facilities thereby obtained for floating and driving logs on said river, shall be and are hereby authorized to charge and entitled to collect and receive of any and all persons, owning or controlling logs in said river as toll, the following sums: For all logs put into said Embarrass river, and passing through the dam of the aforesaid parties, their associates or assigns, on the southeast of the southeast on section ten, town twenty-six, range eleven east, ten cents per thousand feet, board measure; for all logs put in said river below section ten, town and range aforesaid, five cents per thousand feet, board measure. The amount of said logs shall be determined by the lumber inspector of the district within which said dam is situated or by mutual agreement of the parties.

Tolls may be collected.

SECTION 4. For all charges or tolls herein provided, which shall remain due and unpaid, the said Herman Schwanke, Herman Wilkes and H. A. Wichman, their associates and assigns, shall have a lien upon said logs, which may be enforced the same as liens for labor upon logs, under the general statutes of this state.

To have lien.

SECTION 5. The control of said dam or dams, slides, gates and chutes of the same shall belong to said parties aforesaid, their associates and assigns, and be under their exclusive control, subject always to the provisions above stated.

Control of dams.

SECTION 6. So much of chapter 57, laws of 1881, as authorizes the construction and maintaining of dams, in town twenty-six, range eleven, is hereby repealed, except as to any dam or dams already constructed.

Repeal of part of ch. 57, laws 1881.

SECTION 7. The right to alter, amend or repeal this act is hereby reserved.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 197, A.] [Published April 26, 1889.]

CHAPTER 450.

AN ACT relating to and fixing the corporate limits of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Enlarging corporate limits of the city of Milwaukee—territory to be included in 15th ward.

SECTION 1. The corporate limits of the city of Milwaukee are hereby enlarged and extended so as to include all that part of the southeast quarter of section twenty-four (24) in town seven (7) north, of range twenty-one (21) east, bounded and described as follows, to-wit: Commencing at a point where the center line of Vliet street in said city of Milwaukee intersects the range line, between ranges twenty-one (21) and twenty-two (22), running thence west along said center line of Vliet street extended to the west line of the southeast quarter of said section twenty-four (24), thence south along said west line of the southeast quarter of said section twenty-four (24), to the south line of the southeast quarter of said section twenty-four (24), thence east along said south line of the southeast quarter of said section twenty-four (24), to a point where the said range line between said ranges twenty-one (21) and twenty-two (22) intersects the south boundary line of said southeast quarter of section twenty-four (24), thence northerly along said range line to the place of beginning. The territory hereby added to said city shall constitute a part of the fifteenth ward thereof, and shall be subject to the laws, regulations and ordinances governing the said ward and said city. Provided, that portion of the property hereinbefore described known as Cold Spring Driving Park be exempt from taxation so long as the same shall be leased, used and occupied by the Wisconsin State Agricultural Society for the purpose of holding the annual state fair.

Further extending corporate limits—territory to be included in Ninth ward.

SECTION 2. The corporate limits of the city of Milwaukee are hereby enlarged and extended so as to include all that part of the southeast quarter and the northeast quarter of section twenty-four (24), in town seven (7), range twenty-one

(21) east, in the county of Milwaukee, bounded and described as follows, to-wit: Commencing at a point where the center line of Elm street, in said city of Milwaukee, intersects the one-eighth ($\frac{1}{8}$) section line of said quarter section; running thence west sixty-nine and ninety-six one-hundredths feet to a point in the center of Thirty-first street; thence north along said center line of Thirty-first street to a point in the north line of said northeast quarter section; thence east to a point in the one-eighth ($\frac{1}{8}$) section line; thence south along the one-eighth ($\frac{1}{8}$) section line to the place of beginning. And the said territory so described and added to the city of Milwaukee shall constitute a part of the Ninth ward thereof, and shall be subject to the laws, regulations and ordinances governing the said ward and city.

Certain territory added by laws 1889 excluded.

SECTION 3. The following described territory added to the limits of the city of Milwaukee by the laws of 1889, is hereby excluded from the limits or boundary lines of the city of Milwaukee to all intents and for all purposes the same as if it had never been made a part of said city, to wit: That part of the southeast quarter of section twenty-four (24), town seven (7), range twenty-one (21) east, within the following boundary lines, to-wit: Commencing at the north and south one-eighth ($\frac{1}{8}$) section line in said quarter section where the same intersects the center of Vliet street; running then east to the center of Thirty-first street; thence north along the center of Thirty-first street to the easterly line of the right of way of the Chicago, Milwaukee and St. Paul railway; thence west to said one-eighth ($\frac{1}{8}$) section line; thence south along the said one-eighth ($\frac{1}{8}$) section line to the point of commencement.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 544, A.] [Published April 20, 1889.]

CHAPTER 451.

AN ACT to amend an act, entitled, "An act to provide for the individual liability of stockholders in banks and banking corporations," approved March 13, 1880.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 4, ch. 223, laws 1880.

Individual liability of stockholders in banks, etc., in case of sale of stock or interest, when to attach to purchaser.

SECTION 1. Section 4, of chapter 223, of the laws of 1880, being an act entitled, "an act to provide for the individual liability of stockholders in banks and banking corporations," is hereby amended to read as follows: "In case of the bona fide sale and transfer of any stock or interest of any stockholder, owner or part owner in any bank or banking association mentioned in the first section of this act, a written memorandum of such transfer signed and acknowledged in manner aforesaid by the vendor of said stock or interest may be filed with the treasurer of this state; and thereupon the individual liability of said vendor for the debts, demands and liabilities of said bank or banking association which may be created or incurred after the expiration of six months from and after the filing of said memorandum of transfer as aforesaid shall cease; and in such case the purchaser of said stock shall not become or be responsible or liable in any manner for the debts, demands and liabilities of such bank or banking association, unless he shall execute and file a declaration as provided in sections 1 and 2, of said act.

Repealed.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 444, A.] [Published April 26, 1889.]

CHAPTER 452.

AN ACT to create the office of dairy and food commissioner, to prescribe his duties and to make an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The office of dairy and food commissioner for the state of Wisconsin is hereby created. Such commissioner shall be appointed by the governor, by and with the advice and consent of the senate, and his term of office shall be for two years from the date of his appointment, and until his successor is appointed and qualified; provided, that the term of office of the commissioner first appointed under this act shall expire on the first Monday in February, 1891, and vacancies occurring in the office for any cause shall be filled by appointment for the balance of the unexpired term. The salary of the commissioner shall be twenty-five hundred dollars per annum and his necessary and actual expenses incurred in the discharge of his official duties.

Creating office of dairy and food commissioner; governor to appoint; term; vacancies.

Salary.

SECTION 2. Such commissioner may, with the consent and advice of the governor, appoint two assistants, each of acknowledged standing, ability and integrity, one of whom shall be an expert in the matter of dairy products, and the other of whom shall be a practical analytical chemist. The salaries of such assistants shall not exceed eighteen hundred dollars each per annum and their necessary and actual expenses incurred in the discharge of their official duties.

Commissioner may appoint two assistants.

SECTION 3. It shall be the duty of the commissioner to enforce all laws that now exist, or that may hereafter be enacted in this state regarding the production, manufacture or sale of dairy products, or the adulteration of any article of food or drink, or of any drug; and personally or by his assistants to inspect any article of milk, butter, cheese, lard, syrup, coffee or tea, or other article of food or drink or drug, made or offered for sale within this state which he may suspect

Duty of commissioner.

or have reason to believe to be impure, unhealthful, adulterated or counterfeit, and to prosecute, or cause to be prosecuted, any person or persons, firm or firms, corporation or corporations, engaged in the manufacture or sale of any adulterated or counterfeit article or articles of food or drink or drug, contrary to the laws of this state.

Powers.

SECTION 4. Said commissioner or any assistant shall have power in the performance of his official duties to enter into any creamery, factory, store, salesroom or other place or building where he has reason to believe that any food or drink or drug is made, prepared, sold or offered for sale, and to open any cask, tub, package or receptacle of any kind containing, or supposed to contain, any such article, and to examine or cause to be examined and analyzed the contents thereof, and the commissioner or any of his assistants may seize or take any article of food or drink or drug for analysis, but if the person from whom such sample is taken shall request him to do so he shall at the same time, and in the presence of the person from whom such property is taken, securely seal up two samples of the article seized or taken, the one of which shall be for examination or analysis under the direction of the commissioner, and the other of which shall be delivered to the person from whom the article was taken. And any person who shall obstruct the commissioner or any of his assistants by refusing to allow him entrance to any place which he desires to enter in the discharge of his official duty, or who refuses to deliver to him a sample of any article of food or drink or drug made, sold, offered or exposed for sale by such person, when the same is requested and when the value thereof is tendered, shall be deemed guilty of a misdemeanor punishable by a fine of not exceeding twenty-five dollars for the first offense and not exceeding five hundred dollars or less than fifty dollars for each subsequent offense.

District attorney to render assistance, etc.

SECTION 5. It shall be the duty of the district attorney in any county of the state, when called upon by the commissioner or any of his assistants, to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this act, and all fines and assessments collected in any prosecution be-

gun or caused to be begun by said commissioner or his assistants, shall be paid into the state treasury.

SECTION 6. With the consent of the governor, the state board of health may submit to the commissioner, or to any of his assistants, samples of water or of food or drink or drugs, for examination or analysis, and receive special reports showing the results of such examinations or analyses. And the governor may also authorize the commissioner or his assistants, when not otherwise employed in the duties of their offices, to render such assistance in the farmers' institutes, dairy and farmers' conventions, and the agricultural department of the university, as shall by the authorities be deemed advisable.

Samples of water, food, etc., may be submitted to, for analysis.

SECTION 7. The salaries of the commissioner and his assistants shall be paid out of the state treasury in the same manner as the salaries of other officers are paid, and their official expenses shall be paid at the end of each calendar month, upon bills duly itemized and approved by the governor, and the amount necessary to pay such salaries and expenses is hereby appropriated annually.

Salaries and expenses; how paid.

SECTION 8. The commissioner may, under the direction of the governor, fit up a laboratory, with sufficient apparatus for making the analysis contemplated in this act, and for such purpose the sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated, and for the purpose of providing materials, and for other necessary expenses connected with the making of such analyses, there is also hereby appropriated so much as may be necessary, not exceeding six hundred dollars annually. The appropriations provided for in this section shall be drawn from the state treasury upon the certificates of the governor.

Laboratory may be fitted up for use of.

SECTION 9. Said commissioner shall be furnished a suitable office in the capitol, at Madison, and shall make an annual report to the governor, which shall contain an itemized account of all expenses incurred and fines collected, with such statistics and other information as he may regard of value, and with the consent of the governor, not exceeding twenty thousand copies thereof, limited to three hundred pages, may be published annually, as other official reports are published,

To be furnished suitable office in capitol.

To make annual report to governor.

Printing and distribution of

and of which five thousand copies shall be bound in cloth.

Repeal.

SECTION 10. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 325, A.] [Published April 20, 1889.]

CHAPTER 453.

AN ACT to amend chapter 520, of the laws of 1887, entitled, "an act in relation to the fishing industries of Lake Michigan, Lake Superior and Chequamagon Bay, Green Bay and Sturgeon Bay; to protect and increase the fish supply thereof, and to appropriate a certain sum of money therein named, and to repeal chapter 455, of the laws of 1885."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 2, ch. 520, laws 1887.

Preservation of fish in lakes Superior, Michigan, etc., nets not to be used for five years.

SECTION 1. Section 2, of chapter 520, is hereby amended by inserting after the word, "years," where the same occurs in the seventh line of said section, the following words: "It shall be unlawful for any person, for himself or another, to set or cause to be set in the waters of Lake Superior, on or near the main shore thereof, from the mouth of the Montreal river to the mouth of the St. Louis river, any pound net for a term of five years from and after April 1st, A. D. 1889; and also by inserting after the words, "and costs," where they occur in the eleventh line of said section, the words, "or by imprisonment in the county jail not less than sixty days nor more than six months, or by both such fine and imprisonment;" and also by inserting after the words, "and costs," where they occur at the end of said section, the words, "or by imprisonment in the county jail not less than ninety days nor more than six months or by both such fine and im-

prisonment;" so that said section when amended shall read as follows: Section 2. It shall be unlawful after the passage of this act, for any person, for himself or another, to set in the waters of Chequamagon bay south of an east and west line drawn at the lighthouse in said bay, known as the Chequamagon lighthouse, any pound, gill or trap net, for a term of five years. It shall be unlawful for any person for himself or another, to set or cause to be set in the waters of Lake Superior on or near the main shore thereof, from the mouth of the Montreal river to the mouth of the St. Louis river, any pound net, for a term of five years from and after April 1st, A. D. 1889. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25), nor more than fifty dollars ($50) and costs, or by imprisonment in the county jail not less than sixty days nor more than six months, or by both such fine and imprisonment; and on the second and subsequent conviction for a similar offense shall be punished by a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) and costs, or by imprisonment in the county jail not less than ninety days nor more than six months, or by both such fine and imprisonment.

Penalty.

SECTION 2. Section 10, of chapter 520, of the laws of 1887, is hereby amended by adding at the end of said section the following words: "One-half of all fines collected under the provisions of this chapter shall be paid to the county treasurer of the county in which said fines may be collected, and the said treasurer shall pay the same into the school fund; the remaining one half shall be paid to the warden or deputy warden making the arrest," so that said section when amended shall read as follows: Section 10. Upon complaint made in writing under oath before any justice of the peace, charging the commission of an offense against any of the provisions of this act in his county, it shall be the duty of the district attorney of that county to prosecute the offender; and justices of the peace shall have power throughout their respective counties to hear, try and determine any and all violations of the provisions of this act. One-half of all fines collected under the

Amending sec. 10.

Fines, how divided.

provisions of this chapter shall be paid to the county treasurer of the county in which said fines may be collected, and the said treasurer shall pay the same into the school fund; the remaining one-half shall be paid to the warden or deputy warden making the arrest.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 180, A.] [Published April 22, 1889.]

CHAPTER 454.

AN ACT to amend section 3332, chapter 143, of the revised statutes, relating to the filing and enforcement of liens on logs and timber.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 3332, R. S.

Lien on logs, action to enforce, where brought.

SECTION 1. Section 3332, of the revised statutes, is hereby amended so as to read as follows: Section 3332. All actions to enforce such liens may be brought in the circuit court of the proper county, when the amount stated in the affidavit for the attachment, over and above all legal set-offs, exceeds one hundred dollars, or before any justice of the peace having jurisdiction of the amount claimed and of the parties. Actions may be commenced to enforce such liens, if the same be due, immediately after the filing of such petition or statement, and such lien claim shall cease to be a lien on the property named in such petition or statement, unless action be commenced within four months after the filing of such petition or statement. If the claim is not due at the time of such filing, the time when the same will become due may be set forth in the petition or statement, and in such case the lien claim shall not cease to be a lien on the property named in the petition, until thirty days after such claim shall have become due; provided, that such lien shall continue in any event for four months after the filing of

When waived.

such petition. In all such actions the person, company or corporation liable for the payment of such debt or claim, shall be made the party defendant. Any person claiming to be the owner of any such logs or timber may be made a party defendant on application to the court having jurisdiction of the action, at any time before final judgment therein. No person purchasing such logs or timber or otherwise acquiring any interest therein, before the time for filing such petition or statement has expired, shall be considered a bona fide purchaser as against the rights of any such lien claimant; provided, however, that any time check that shall become the property of another by purchase or otherwise shall be and remain a lien and the person owning the same shall have the same right of a lien and the same rights and powers to enforce the same as the person or persons performing the work or labor for which said time check was given; provided, further, that in order to affect the rights of innocent parties, purchasing such logs or timber in good faith, such lien claimant shall have filed with the clerk of the circuit court a notice of his intention to claim a lien, as provided by law.

Party defendant.

Claims of purchasers or persons acquiring interest before time for filing petition not to affect lien claimant.

Time checks—lien of.

Claimant to file notice of claim.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 407, S.] [Published April 22, 1889.]

CHAPTER 455.

AN ACT to amend chapter 240, laws of 1887, entitled, "An act to prevent deception in the sale of cheese."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 240, of the laws of 1887, is hereby amended so as to read as follows: Section 1. Every person who shall, at any cheese factory in the state, manufacture any cheese shall

Amending ch. 240, laws 1887.

Cheese, box to be stamped, etc.

distinctly and durably stamp or mark upon each and every box, case or package of cheese manufactured and sold the name and location of the cheese factory at which the same was made, and all cheese made from milk containing three per centum or more of pure butter fat shall be branded as full cream. And if any manufacturer of cheese shall sell or dispose of any cheese without such stamp or mark, or shall falsely stamp or mark the same as full cream when made from milk containing less than three per centum of pure butter fat, he shall forfeit and pay to any person who shall prosecute for the same the sum of twenty dollars for every box, case or package of cheese sold or disposed of without being marked as prescribed in this act, or with a false mark thereon, to be recovered in a civil action in any court having jurisdiction of the person and subject matter, one-half of such penalty to be paid into the county treasury of the county in which such action is brought, to be by said treasurer paid to the state treasurer for the benefit of the school fund.

Penalty for falsely stamping or marking.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 408, S.] [Published April 18, 1889.]

CHAPTER 456.

AN ACT to appropriate to Richard W. Comly, a certain sum of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Richard W. Comly.

SECTION 1. There is hereby appropriated to Richard W. Comly, out of any money in the state treasury not otherwise appropriated, the sum of sixty-seven dollars and fifty cents, to compensate him for his services as stenographer for the senate and assembly committees on railroads, at their joint sessions on hearing arguments on sen-

ate bill number 19, under joint resolution number 16, S.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 118, S.] [Published May 6, 1889.]

CHAPTER 457.

AN ACT to amend section 1582, of chapter 67, of the revised statutes of 1878, relating to the fees of state treasury agent.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 1582, R. S.

SECTION 1. Section 1582, of chapter 67, of the revised statutes of 1878, is hereby amended by striking out the words, "thirty-three and one-third," where they occur in said section, and inserting in lieu thereof, the words, "twenty-five," so that said section when so amended shall read as follows: Section 1582. There shall be audited and paid out of the state treasury the sum of twenty-five per cent of the amount which said treasury agent may cause to be collected and paid into the state treasury as fees for licenses, which sum shall be compensation in full for his services, and the services of his assistant, and of all special treasury agents appointed by him or his assistant; but the necessary stationery, postage, blanks and advertising for the performance of his duties shall be furnished by the state.

Fees of state treasury agent

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 129, S.] [Published April 24, 1889.]

CHAPTER 458.

AN ACT to appropriate annually the sum of one thousand dollars to aid in maintaining a summer school for teachers in connection with the University of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $1,000 for maintaining summer school at university.

SECTION 1. There is hereby annually appropriated out of any funds in the state treasury not otherwise appropriated, the sum of one thousand dollars to aid in maintaining a summer school of science, literature, language and pedagogy, in connection with the University of Wisconsin.

Teachers to be designated by state superintendent.

SECTION 2. All teachers employed in the school mentioned in section 1, of this act, shall be designated by the state superintendent and the president of the university jointly, and all expenditures for assistants, apparatus, and other incidental purposes, together with the salaries of teachers, shall be certified by the same officials.

SECTION 3. Whenever the state superintendent and the president of the University of Wisconsin shall certify that a summer school for teachers has been maintained during the months of July or August in any year for the period of four weeks or more, and the person named in the certificate is entitled to the sum named therein for services or material furnished in connection therewith, the secretary of state shall draw his warrant on the state treasurer in payment thereof. But no warrant shall be drawn in excess of the amount herein appropriated, in any year.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 324, S.] [Published April 22, 1889.]

CHAPTER 459.

AN ACT to amend section 1794, of the revised statutes, relating to the duties of railroad commissioner, as amended by chapter 193, of the general laws of 1885.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 1794, R. S.

SECTION 1. Section 1794, of the revised statutes of 1878, as amended by chapter 193, of the general laws of 1885, entitled, "An act to amend section 1794, of the revised statutes of 1878, relating to the duties of railroad commissioner," is hereby further amended so as to read as follows: Section 1794. Such commissioner shall inquire into any neglect or violation of the laws of the state by any railroad corporation doing business therein, or by the officers, agents or employes thereof, or by any person operating a railroad. He shall inspect and examine the condition, equipment and manner of management of any and of all the railroads doing business in the state with relation to the public safety and convenience. He shall also examine and ascertain the pecuniary condition and the manner of the financial management of every such railroad corporation. Whenever he shall receive complaint in writing, made by any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society, or any body politic or municipal organization of any such neglect or violation of law, specifying particularly and in detail the acts complained of, the said commissioner shall forthwith notify the railroad corporation so complained of in writing, specifying the charges set forth in said complaint, and fixing in such notice a time and place at which he shall investigate the same, which time shall not be less than ten nor more than thirty days from the date of such notice; and if he shall find, on the investigation, that the charges are well founded, he shall so decide, and the decision of the commissioner respecting such charges so investigated

Duties of railroad commissioner—defined.

Appeal may be had from decision of.

shall be final and conclusive, unless appealed from within twenty days from the service of such decision on the offending corporation to some court of competent jurisdiction in the county where the complainant resides, and unless due satisfaction be rendered to the person so aggrieved, he shall, within ten days from the expiration of the time for such appeal, report the facts of such investigation and decision to the attorney-general, who shall, in his discretion, thereupon proceed at once to prosecute an action against such railroad corporation in the name of and for the benefit of the person so aggrieved, and at the expense of the state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 262, S.] [Published April 20, 1889.]

CHAPTER 460.

AN ACT relating to recording of plats in Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Recording of plats, maps, etc., to be submitted to county board.

SECTION 1. In all cases where lands in any county containing a population of over one hundred thousand inhabitants, and not within the limits of any city within said county, shall hereafter be subdivided into lots or blocks, or where streets, alleys or public grounds shall be dedicated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plats to be laid out and platted to the satisfaction of the county board of such county, and shall submit such maps or plats thereof to the board of supervisors of such county for its approval; and if such map or plat shall be approved by said county board the party or parties making such plat shall record the same within thirty days from the date of such ap-

proval, together with the evidence of such approval, but except such plat be approved in writing endorsed thereon, and subscribed by said county board and by resolution adopted by said county board, a copy of which, duly certified by the county clerk, shall be affixed to said plat (and offered for record on or before ninety days from the date of such resolution), it shall not be lawful for the register of deeds of such county to receive such plat or map for record or to record the same, and the same shall have no validity and the person or persons neglecting or refusing to comply with the requirements of this section shall forfeit and pay a sum not less than one hundred dollars nor more than one thousand dollars; and the register of deeds who shall record such plat, without such approval of such county board endorsed thereon, or without such copy of a resolution of the said board thereto attached, approving the same (or after thirty days from the date of such resolution), shall forfeit and pay a sum of not less than fifty dollars nor more than one hundred dollars. All forfeitures and liabilities which may be incurred and arising under and by virtue of this section, shall be prosecuted for and recovered in the name of such county, and paid into the county treasury for the benefit of the school fund. Forfeitures.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 355, S.] [Published April 22, 1889.]

CHAPTER 461.

AN ACT to provide for the better care of the insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever in the opinion of the governor it would benefit the patients in either of the

Removal of chronic insane from state hospitals, governor may cause, to county asylums, when.

state hospitals for the insane, to remove therefrom any of the chronic insane not chargeable to any county, he may cause such removal to be made to some county insane asylum or asylums, and shall designate such patients so to be removed, and thereafter the state shall pay to each such county that shall provide for such insane, three dollars per week for each such patient, and pay for clothing for each as is now provided by law for care of the insane in county asylums, received from other counties, and the accounts for each such county shall be audited and certified to by the state board of charities and reform, as is now done for county patients in said county asylums, and a sum of money sufficient to pay for such board, clothing and transportation of said patients to the county asylums is hereby appropriated annually out of any money in the treasury not otherwise appropriated, to carry out the provisions of this act.

State to pay for support of.

Accounts for, to be audited and certified by State Board of Charities and Reform.

Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 924, A.] [Published April 23, 1889.]

CHAPTER 462.

AN ACT to authorize the building and maintenance of a toll bridge across the Wisconsin river in Wood county, between the cities of Grand Rapids and Centralia.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Toll bridge across Wisconsin river in Wood county, to provide for building another in case of destruction of bridge, authorized by ch. 2, laws 1889.

WHEREAS, The cities of Grand Rapids and Centralia, under and by virtue of the provisions of chapter 2, of the laws of 1889, have voted to issue their bonds to the amount of five per centum of the value of the taxable property therein, respectively, and have contracted for the erection of the bridge therein authorized to be built, and agreed to pay for the same the sum of seventeen

thousand four hundred dollars, which amount is substantially five per centum of the value of all the taxable property in both of said cities, and whereas in case said bridge should be destroyed or carried away by ice, high water or other accident before the bonds issued in payment thereof, have been paid, then said cities could not lawfully incur a further indebtedness sufficient to rebuild the same, and there would be no bridge across said Wisconsin river between said cities, and no authority vested in any corporation or corporations, person or persons, to build and maintain one; Now, therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That in case the bridge authorized to be built by said cities of Grand Rapids and Centralia under the provisions of said chapter 2, of the laws of 1889, be destroyed or carried [away] by ice, high water or other cause or accident, before said bonds issued therefor shall have been sufficiently paid and reduced in amount so that said cities can lawfully incur an indebtedness sufficient to rebuild the same, or for any reason, the construction of said bridge should be delayed for six months, then, and in that event, John Arpin, G. J. Jackson and B. G. Chandos and Geo. F. Witter, their associates, heirs and assigns, are and shall be authorized and empowered to erect and maintain a toll bridge across the said Wisconsin river, and to condemn lands suitable for approaches to said bridge at the place so determined upon, between said cities at the place mentioned in said chapter 2, or at any other place within the limits of said cities as they shall determine, and to charge, collect and receive tolls for crossing the same at the rates specified in this act, not exceeding ten years from the completion of such bridge; provided, that the same shall be built and completed within six months from the date of the destruction of the bridge, authorized to be built by said chapter 2.

John Arpin et al., may construct bridge across Wisconsin river at Grand Rapids in case of destruction of bridge authorized under ch. 2, laws 1889.

SECTION 2. In case said toll bridge shall be built under the provisions of this act then said named persons, their associates, heirs and assigns shall have the power and legal right imme-

May charge and collect tolls.

diately after the completion thereof and during the continuance of such term of ten years to demand, receive and collect tolls for passage over said bridge at not exceeding the following rates: For any vehicle drawn by two horses, mules or oxen, fifteen cents for one way, and twenty-five cents for passage both ways the same day; for any vehicle drawn by one horse or mule, ten cents one way or fifteen cents both ways the same day; for horses or cattle in droves of ten or less, five cents per head, and in droves of more than ten for all over ten, three cents per head; for sheep and hogs two cents per head; for each footman three cents one way or five cents both ways on the same day; and there shall be kept posted up in a conspicuous place at each end of said bridge the rates of toll established.

Cities of Grand Rapids and Centralia may purchase bridge.

SECTION 3. The said cities of Grand Rapids and Centralia, or either of them, shall have the right at any time after the completion of the bridge herein authorized to be built, to purchase the same by paying the owners thereof the value at which the same shall then be appraised, to be ascertained by three disinterested appraisers not residents of said Wood county, one of whom shall be selected by such city or cities, another by such owners, and the third by the two so chosen, who upon their oaths shall appraise the said bridge, and all appurtenances used in connection therewith at their fair value, and upon the payment by said cities or city to said owners of the appraised value of said property, as ascertained by the award in writing of said appraisers, or a majority of them, within six months after the date of said award, the said bridge shall become a free bridge, and shall thereafter be kept up, maintained and rebuilt when necessary as a free bridge, by the city or cities so purchasing the same. And in case said city or cities shall not so purchase said bridge the same shall, at the expiration of the term of ten years from the date of its completion, become the property of said cities absolutely and shall thereafter be kept up, maintained and rebuilt when necessary by said cities as a free bridge.

No bridge to be built within two miles.

SECTION 4. Until said cities shall become the owners of said bridge no person or persons, company or corporation shall have the right to build

any toll or free bridge across said Wisconsin river, within two miles of the bridge authorized to be constructed and constructed under this act.

SECTION 5. Any bridge built and constructed under this act shall be not less than sixteen feet wide, with passage for foot passengers on either side, and not more than eighteen feet high, and shall cost not less than ten thousand dollars when completed. Width of bridge.

SECTION 6. Any person who shall forcibly or fraudulently pass over the bridge built pursuant to this act without paying the legal toll shall be deemed guilty of a malicious trespass and shall be liable to the punishment of fine and imprisonment provided for in such offenses, and shall also for each offense forfeit the sum of five dollars to and for the use of the owners of said bridge, to be recovered with costs as in other actions of trespass in any court having competent jurisdiction. Penalty for trespassing on.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 938, A.] [Published April 19, 1889.]

CHAPTER 463.

AN ACT to amend section 2523, of chapter 115, of the revised statutes, as amended by chapter 27, of the laws of 1880.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 27, of the laws of 1880, is hereby amended by adding at the end thereof, the following: The common council of the city of Madison, with the concurrence of the county board of Dane county, may, in their discretion, fix a salary for the clerk of said municipal court, exclusive of the three thousand dollars ($3,000), paid to said judge, such salary not to exceed the sum of eight hundred dollars ($800) per Amending sec. 2523, R. S. Salary of clerk municipal court Dane county.

annum, to be paid in the same manner and proportions as the salary of such judge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 893, A.] [Published April 22, 1889.]

CHAPTER 464.

AN ACT relating to the creation and division of towns, and amendatory of section 671, of the revised statutes of 1878, as amended by chapter 190, of the general laws of 1879, entitled, "An act relating to the division of towns," and the acts amendatory thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 671, R. S.

SECTION 1. Section 671, of the revised statutes, entitled, "of the county board," as amended by chapter 190, of the general laws of 1879, entitled, "An act relating to the division of towns, and amendatory of section 671, of the revised statutes," and the acts amendatory thereto, is hereby amended by adding to the end of said section the following: The provisions of this section requiring a petition by freeholders and voters and a vote by electors shall not apply in the case of the changing of boundary lines of any town or towns in any county, except that such change or changes shall not make the area of any town less than thirty-six sections as aforesaid, and this section shall not apply to any county containing within its limits less than seven organized towns, nor shall such provisions of this section apply to the creation of new town or towns out of the territory of any town, or any part thereof, in case such town shall at the time of such proposed division, or of the creation of such new town or towns, contain within its area more than three congressional townships, or more than one hundred and eight sections of land. Each organized

Petition of freeholders and vote not required, to change boundary lines except where area of town is made less than 36 sections, nor to counties containing less than 7 organized towns.

city or village in any county affected hereby shall, for the purposes in this proviso specified, be deemed and held, territorially, as one town.

Organized cities or villages, deemed one town.

SECTION 2. Chapter 287, of the general laws of 1883, entitled, "an act to re-enact chapter 73, of the general laws of 1881, and to amend section 1, of chapter 226, of the general laws of 1882, relating to the division of towns," and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal of ch. 287, laws 1883.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 709, A.] [Published April 19, 1889.]

CHAPTER 465.

AN ACT to amend chapter 375, of the laws of 1887, entitled, "An act for the protection of fish in the inland waters of the state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of said chapter 375, of the laws of 1887, is hereby amended by adding at the end thereof the following words: "Provided, that such minnows, shiners, chubs, dace, or stickleback so caught for bait, shall not be taken in quantities exceeding one-half bushel in measure, at any one time, and no such fish caught for bait shall be allowed to be shipped out of the state of Wisconsin.

Amending ch. 375, laws 1887.

Minnows, etc., may be caught for bait in quantities not exceeding one-half bushel, not to be shipped out of state.

SECTION 2. All acts or laws conflicting with this act are hereby repealed

SECTION 3. This act shall be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 643, A.] [Published April 26, 1839.]

CHAPTER 466.

AN ACT to amend section 496, of the revised statutes, as amended by chapter 245, general laws of 1879, chapter 273, laws of 1883, and chapter 420, laws of 1885, relating to free high schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 496, R. S.

SECTION 1. Section 496, of the revised statutes of 1878, as amended by chapter 245, general laws of 1879, chapter 273, general laws of 1883, and chapter 420, general laws of 1885, is hereby amended to read as follows: Section 496. Any high school district which shall have established a free high school, according to the provisions of these statutes, and shall have maintained the same for not less than three months in any school year, shall be entitled to receive from the general fund of the state, annually, one-half the amount actually expended for instruction in the high school of such district, during such school year, over and above the amount required by law to be expended for common school purposes, but not to exceed in one year five hundred dollars to one district. To obtain such aid, the high school board, or, in cities not under a county superintendent, the president and secretary of the board of education, and the treasurer, shall, on or before the first day of November, report in duplicate to the state superintendent, under their oaths, the amount actually expended for instruction, during the previous school year, specifying the several items thereof, with the date and object of each, fully. Thereupon, the state superintendent shall fix the amount to be paid such high school district, and certify the same to the secretary of state, with one of such reports annexed. On such certificate at any time after the first day of December, the same shall be paid to the district treasurer out of the state treasury. The secretary of state shall annually include and apportion in the state tax

State aid to high schools.

How obtained.

Duty of authorities.

Duty of state superintendent.

all such sums as shall have been so paid, in addition to all other sums to be levied for the year. Hereafter, when by any neglect or omission, any free high school shall fail to have apportioned to it, its share of state aid under this act, the state superintendent may, after the time hereinbefore fixed for such apportionment by him, fix an amount ten per cent. less than the amount which such free high school would have been entitled to, had it complied with the provisions of this act, and certify the same to the secretary of state, with the report of such district or districts annexed thereto, and the secretary of state shall thereupon draw his warrant for such amount or amounts in favor of such district or districts. The whole amount annually paid under the provisions of this section shall not exceed the sum of twenty-five thousand dollars, and if more be demanded by such districts, they shall be paid proportionally. Provided, however, that if the whole amount authorized to be paid annually in aid of free high schools in towns having no graded schools, by chapter 352, of the general laws of 1885, is not demanded or expended under the provisions of that law, then the unexpended balance of the amount therein annually authorized to be paid in aid of free high schools in towns having no graded schools, may be added to and apportioned among the free high schools provided for in sections 490 and 491, of the revised statutes; but no more than fifty thousand dollars shall be apportioned to both classes of free high schools in any one year, as now provided by law.

Secretary of State to apportion amounts in state tax.

When state superintendent to apportion amount due.

Amount to be paid not to exceed $25,000.

Unexpended balance, how apportioned.

Limit of amount apportioned.

SECTION 2 This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 599, A.] [Published April 19, 1889.]

CHAPTER 467.

AN ACT to repeal chapter 475, laws of 1887, entitled, "An act relating to the distribution, in Burnett county, of the five per centum of the gross earnings of the North Wisconsin Railway company, apportioned to said county under the provisions of chapter 22, of the laws of 1879."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal of ch. 475, laws 1887, apportionment of percentage of gross earnings of N. W. Ry. to Burnett county.

SECTION 1. Chapter 475, laws of 1887, entitled, "An act relating to the distribution, in Burnett county, of the five per centum of the gross earnings of the North Wisconsin Railway company, apportioned to said county under the provisions of chapter 22, of the laws of 1879," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 358, A.] [Published April 28, 1889.]

CHAPTER 468.

AN ACT to amend chapter 441, of the laws of 1887, entitled, "An act to extend the lien law of the state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 441, laws 1887, extending lien to owner of jackass.

SECTION 1. Chapter 441, of the laws of 1887, is hereby amended so as to read as follows: Section 1. Every owner of a stallion or jackass kept and used for breeding purposes shall have a lien upon any colt gotten by such stallion or jackass, for the sum stipulated to be paid for the service of such stallion or jackass, and may seize and

take possession of said colt without process at any time, in case the price agreed upon for such services remains unpaid, and sell the same at public auction upon ten days' notice, to be posted in at least three public places in the town where such owner resides, and apply the proceeds of such sale to the payment of the amount due for such services and the expenses of such seizure and sale, returning the residue, if any, to the party entitled thereto.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 315, A.] [Published April 20, 1889.]

CHAPTER 469.

AN ACT to appropriate to Grant county the sum of money hereinafter set forth.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Grant county to pay amount due for maintenance of four insane patients.

SECTION 1. There is hereby appropriated to Grant county any money in the general fund not otherwise appropriated, the sum of two hundred eighteen dollars and forty-eight cents; the same being the aggregate and full amount of four judgments for costs in favor of said county against said state rendered in the circuit court of said Grant county at its September term, 1884, in the matter of the appeal by said county from the judgments and orders of the board of supervision of Wisconsin charitable, reformatory and penal institutions, made on April 30, 1884; said judgments and orders denying the petition of said county for the payment of money to said county, and paid by it to the state, for maintenance at Mendota, of Ring, Richards, Foster and Pedro, four insane patients, chargeable to the state at large, from May 12, 1879, to September 30, 1882.

SECTION 2. This act shall take effect and be in force immediately after its passage and publication.

Approved April 17, 1889.

[No. 201, A.] [Published April 27, 1889.]

CHAPTER 470.

AN ACT relating to the territory constituting school districts in Douglas county, Wisconsin, and to form the same into several school districts, and to confirm and legalize action heretofore taken in forming and organizing school districts from parts of said territory.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

School districts in Douglas county, territory constituting.

SECTION 1. School districts originally known as school districts numbers one and two, of the town of Superior, and by operation of law afterwards becoming school district number one of the village of Superior, joint with the towns of Superior, Brule, Nebagamain and Gordon, and school district number two of the village of Superior, joint with the towns of Superior and Gordon, all in the county of Douglas, in the state of Wisconsin, are hereby dissolved, and the territory heretofore constituting said school districts numbers one and two is hereby formed into school districts named and composed as follows:

District No. 1, of the village of Superior, shall comprise all of fractional town forty-nine, range thirteen, lot one, of section twenty-four, south half of section twenty-four, sections twenty-five, twenty-six, thirty-five, thirty-six, in town forty-nine, north, range fourteen, and sections one, two, three, four, five, six, of town forty-eight, range thirteen.

District No. 2, of the city of Superior shall comprise all the territory of fractional township forty-nine, north of range fourteen west, except that included in district number one as above set forth,

also sections one, two, three, four, five and six, town forty-eight, range fourteen.

District No. 1, of the town of Brule, shall comprise south half of town forty-eight, range eleven. and north half of town forty-seven, range eleven,

District No. 2, the south half of town forty-eight, range ten, and north half of town forty-seven, range ten.

District No. 3, fractional town forty-nine, range twelve, sections one to eighteen inclusive, in town forty-eight, range twelve, sections five, six, seven, eight, seventeen, eighteen, in town forty-eight, range eleven, and sections thirty-one, thirty-two, and fractional sections twenty-nine, thirty, in town forty-nine, range eleven.

District No 4, the south half of town forty-eight, range twelve, and north half of town forty-seven, range twelve.

District No. 5, fractional sections thirteen, twenty-one, twenty-two, twenty-three, twenty-eight, whole sections, twenty-six, thirty-five, thirty-six, twenty-four, twenty-five, thirty-three, thirty-four, twenty-seven, in town forty-nine, range eleven; also fractional sections seventeen, eighteen, and whole sections, nineteen, twenty, twenty-nine, thirty, thirty-one, thirty-two, in town forty-nine, range ten. Also sections five, six, seven, eight, seventeen, eighteen, in town forty-eight, range ten. Also sections one, two, three, four, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, in town forty-eight, range eleven.

District No. 6, fractional sections one, two, three, nine, ten, and whole sections eleven, twelve, thirteen, fourteen, fifteen, sixteen. twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-three, thirty-four, thirty-five, thirty-six, in town forty-nine, range ten, and sections one, two, three, four, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, in town forty-eight, range ten.

District No. 1, of the town of Nebagamain shall comprise town forty-five, range twelve; the south half of township forty-five, range eleven, and township forty-five, range ten.

District No. 2, the south one-half of town forty-seven, range eleven, and north one-half of town forty-six, range eleven, the south half of town

forty-seven, range ten, and all of town forty-six, range ten.

District No. 3, the south one-half of town forty-seven, range twelve, all of town forty-six, range twelve, the south half of town forty-six, range eleven and the north one-half of town forty-five range eleven.

District No. 1, of the town of Gordon shall comprise the entire territory of said town.

District No. 1, of the town of Superior shall comprise sections seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, in town forty-eight, range thirteen, also sections one, two, three, four, five and six, town forty-seven, range thirteen, town forty-eight, range fourteen, except sections one, two, three, four, five and six, and all of town forty-eight, range fifteen in Douglas county.

District No 2, town forty-seven, range thirteen, except sections one, two, three, four, five and six, town forty-seven, range fourteen, and town forty-seven, range fifteen.

District No. 3, town forty-six, range thirteen, town forty-six, range fourteen, and town forty-six, range fifteen.

Legalizing acts relating to organization of district.

SECTION 2. The action of the legal voters in the several school districts heretofore organized in the village of Superior, and in the towns of Superior, Brule and Nabagamain in districts formed from parts of the territory mentioned in the first section of this act, is hereby declared to be legal and valid, so far as the organization of the districts, and provisions for the maintenance of public schools is concerned, and the officers now in office in the respective school districts in said towns are hereby declared to be legal school officers of the districts for which they were each respectively elected, and for the terms for which they were chosen, with all the authority and rights, and subject to the obligations conferred and imposed by law upon school district officers.

District, how organized.

SECTION 3. The inhabitants of any school district hereinbefore named and created, which shall

not have already been organized or attempted so to be, shall within sixty days from and after the passage and publication of this act, organize in conformity with existing laws relating to the organization of school districts. And the several school district clerks, who shall be elected at the time of such organization, shall within five days after their election and qualification as such officers, file in the office of the town clerk of their respective towns, a certified copy of the record of such organization. The several town boards of supervisors of the towns of Superior, Brule and Nebagamain, shall hold a meeting ninety days after the passage and publication of this act, and if at such meeting it shall appear that in any of the school districts hereinbefore named and created, no organization has been had pursuant to the laws of this state as hereinbefore provided, or otherwise, then such town board shall proceed to attach all of the territory in any school districts hereinbefore described and created, which shall not have been so organized, to the several school districts in their respective towns which shall have been organized. Such action on the part of said respective town boards, shall be by an order to be made by them and recorded in the minutes of their proceedings at such meeting. And the town clerks of said respective towns of Superior, Brule, and Nebagamain, shall immediately after the making of such order, make out and deliver to each of the school district clerks of the several organized school districts in said towns, a certified copy of said order. Whenever it shall become necessary to alter the boundaries of any school district formed by this act, or to organize any school district thus formed but not heretofore organized, or to change the form of school government in any of the towns herein mentioned, such boundaries shall be altered, such organizations shall be effected, and such change in form of school government made, in accordance with existing provisions of law relating thereto; and all claims arising by reason of the formation and organization of any school district having no school-house out of territory theretofore belonging to a school district having a school house and other property and retaining the same, shall be adjusted in the same manner, as provided by law,

Duties of boards and clerks.

as though the claim had arisen through the action of town boards of supervisors in forming and organizing such school districts.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 93, A.] [Published April 20, 1889.]

CHAPTER 471.

AN ACT relating to actions against municipal corporations and others, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Actions against municipal corporations for injuries resulting from defects in highways, streets, etc., who properly liable—proceedings in.

SECTION 1. Whenever any injury has happened or shall happen to any person or property in any city or municipal corporation or towns by reason of any defect in any highway, street, alley or public ground; or for any other cause for which such city or municipal corporation or towns would be liable, and such defect, incumbrance or other cause of such injury shall be caused by, arise from, or be produced by the wrong, default or negligence of any person or corporations or towns, such person or corporation or towns so guilty of such wrong, default, or negligence, shall be primarily liable for all damages arising from such injury; but such city or municipal corporation or towns may be sued in the same action with the one so primarily liable and be complained against as if primarily liable. If said city or municipal corporation or towns shall answer that it is not primarily liable, showing who is, and the verdict or finding shall be that it is liable, but not primarily, then the court shall enter judgment for the amount stated in the verdict or finding against all the defendants against whom the verdict shall be found or the finding shall be made; but the court shall stay execution against such city or municipal corporation or towns, until execution against those found to be primarily

liable shall have been returned unsatisfied in whole or in part. When such execution shall have been so returned, then such judgment may be enforced against such city or municipal corporation or towns for whatever amount shall remain uncollected or unpaid thereon.

Additional parties defendant may be added.

SECTION 2. If any action shall be brought against any city or municipal corporation, as mentioned in the preceding section, and such city or municipal corporation shall answer that it is not primarily liable therefor, showing who is, and the person or corporation thus shown to be so primarily liable shall not have been made a party, the plaintiff may amend as provided by section 2834, of the revised statutes. And if any action shall be brought against any person or corporation, not making such city or municipal corporation a party, the plaintiff may amend in like manner by making such city or municipal corporation a party.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 39, S.] [Published April 22, 1889.]

CHAPTER 472.

AN ACT relating to the loss or destruction of records pertaining to school districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loss or destruction of records pertaining to school districts—new records may be made.

SECTION 1. Whenever the record of the formation or establishment of boundaries of any school district in this state shall be lost or destroyed, the town board of the town, trustees of the village, or common council of the city in which such district lies shall have power to make a new record of the boundaries of such school district by a written order, made and entered in the records of such town, village or city. Whenever the town board, trustees of the village or

Notice to be given clerk.

common council of the city shall contemplate making such new record they shall give at least five days' notice in writing to the clerk of the district to be affected thereby, stating in such notice the time and place when and where they will be present to decide upon and make such new record, and such clerk shall immediately notify the other members of the board. In all cases where such new record shall be made, the order constituting the same shall within three days be entered in the records of the proper town, village or city, and the clerk thereof shall within the same time file a copy of such order with the clerk of the school district affected thereby. Any number of districts as to which the records are so lost or destroyed may be included in one order or notice. In case of the loss or destruction of the records pertaining to a joint school district, the clerk of the town, city or village shall procure and record a certified copy of the records of other towns, cities or villages, relating to such joint district, or the common council of the city, trustees of the village, or town boards of the towns in which such joint school district lies, may meet and act together in the making of any new record of the boundaries of such joint school district. An order made pursuant to this section or the record thereof, shall be presumptive evidence of the regularity of the proceedings prior to the making thereof of the legality of the formation of the district affected, of the boundaries thereof, and of the loss or destruction of the record of the formation or establishment of the boundaries of such school district. Parties conceiving themselves aggrieved by any decision made under the provisions of this act may appeal therefrom in the manner provided by section 497, of the revised statutes.

How done in joint district.

Appeal may be had.

To what may apply.

SECTION 2. This act shall be so construed as to apply to cases of loss or destruction of records which have heretofore occurred or may hereafter occur.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 904, A.] [Published April 26, 1889.]

CHAPTER 473.

AN ACT to provide for evidence from books kept by insurance companies, whether doing business upon the level premium or assessment plan, or doing business under the general laws of this state, or special acts naming such corporation or association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever any evidence shall be required in any court of this state from the book entries of any insurance corporation or association doing business at the time of such requirement, either on the level premium or assessment plans, under any general law or special act naming such corporation or association, it shall be competent to produce verified copies of such entries, together with such statements as shall show the number of members insured in or belonging to such corporation or association, and the number of members in each class or grade, and the aggregate amount of a single assessment from such members and from each class or grade thereof. Such verified copies and statements shall be received in all legal proceedings as prima facie evidence of such entry or entries or statements relating to the number of members, classes or grades thereof, and assessments therefrom; and no officer of any such insurance corporation or association shall be compelled to produce any book of entries or records kept by such corporation or association, unless specially ordered by the court or officer before whom the trial is had.

Verified copies of entries from books of insurance corporations or associations, when evidence.

SECTION 2. To warrant receiving such verified entry or entries or statements mentioned in the foregoing section, there must be an affidavit or the testimony of an officer of such insurance corporation or association stating that such copy or copies and statements are true, and that the same are taken from the regular books of the corporation or association, used and kept for the transac-

When verified copies or entries will be admitted, affidavit, what to state.

tion of its business. That such book or books are now in the control of such corporation or association.

To be served on opposite party.

SECTION 3. Such verified statement of entry or entries or statements provided for in this act, shall be served upon opposite counsel at least six days before the term of court or the time set for the trial or hearing before the court or officer to try or hear the same. And the books of the corporation or association aforesaid shall be open to the inspection of any interested party or his counsel, to the extent prescribed in all orders made by the court on application of such party or his counsel.

Books to be open to inspection.

Making false statement or copy deemed perjury.

SECTION 4. Any person who shall make a false copy or statement as herein provided for, or shall give false testimony concerning the same, shall be deemed guilty of the offense of perjury, and on conviction thereof, shall be punished therefor in the manner provided by law.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 162, A.] [Published April 22, 1889.]

CHAPTER 474.

AN ACT in relation to the payment of wages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Payment of wages, when weekly or bi-weekly.

SECTION 1. All wages or compensation for labor or service in the state of Wisconsin, unless there shall be a written contract to the contrary, shall be paid weekly or bi-weekly in cash. But this act shall not be held to annul contracts in force at the time of its passage, nor to apply to agricultural laborers, commercial travelers, persons working on commission, traveling employes of railway and express companies, persons employed in logging camps, or "driving," running or manufacturing of logs or lumber, nor to any person whose occu-

pation is such as to render him inaccessible on the regular pay day.

SECTION 2. This act shall be in full force and effect from and after its passage and publication.

Approved April 17, 1889.

[No. 36, A.] [Published April 24, 1889.]

CHAPTER 475.

AN ACT to provide for uniformity in election tickets in cities of one hundred and fifty thousand inhabitants or more.

The people of the state of Wisconsin, representep in senate and assembly, do enact as follows:

SECTION 1. All election tickets or ballots to be voted or cast at any general or municipal election hereafter held within all cities within this state having a population of one hundred and fifty thousand or more shall be printed upon number one flat white print paper, size twenty four inches by thirty-six inches, weighing thirty pounds to the ream, and the headings of all such ballots or tickets shall be printed from plain, gothic, great primer type. There shall be two sizes of ballots or tickets for use at all such elections, of the dimensions and printed respectively as follows, to-wit:

Providing for uniformity of election tickets in cities of 150,000 or more.

How printed, size of ballots.

1. At all such elections whereat presidential electors shall be voted for, all ballots or tickets to be voted or cast shall be eight inches long and three inches wide, printed with the headings and from the kind of paper above described.

Size of ballots when presidential electors are to be voted for.

2. At all other general or municipal elections hereafter held within all such cities in this state, the ballots or tickets to be voted or cast thereat shall be six inches long and three inches wide, printed with the headings and from the kind of paper above described. But nothing herein contained shall be construed to apply to any special municipal election or to any judicial or other election where by law the ballots are required to be cast in a separate ballot box.

Same at other elections.

Not to apply to special, municipal or judicial.

Penalty for violation.

SECTION 2. Any person who shall print, distribute, circulate, or who shall cause to be printed, distributed or circulated any ticket or ballot at any election hereafter held contrary to the provisions of section 1, of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed fifty dollars for each such offense, or by imprisonment in the county jail of the proper county not more than six months nor less than thirty days.

Repeal.

SECTION 3. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 261, A.] [Published April 25, 1889.]

CHAPTER 476.

AN ACT to repeal section 1935, of chapter 89, revised statutes of 1878, entitled, "of insurance corporations;" also chapter 251, laws of 1879, chapter 42, laws of 1881, chapters 146 and 240, laws of 1882, amendatory of said section 1935, and to substitute in lieu thereof, a new section, to be known as section 1935.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal of sec. 1935 and new section substituted.

SECTION 1. Section 1935, of chapter 89, revised statutes of 1878, chapter 251, of the laws of 1879, chapter 42, of the laws of 1881, and chapters 146 and 240, of the laws of 1882, are hereby repealed, and the following substituted in the place of the said section 1935, to-wit: Whenever the amount of any loss so ascertained shall exceed the amount of the cash funds of the corporation, the president shall convene the board of directors, who shall make an assessment upon all property insured by such corporation in proportion to the amount thereof and the rate under which it may

have been classified sufficient at least to pay such loss. Provided, however, that such board of directors shall be authorized, if it sees fit to do so, to assess up to three and a half mills, even if such loss should not require such an amount, and when such assessment shall have been completed, the secretary shall immediately insert a notice in one or more newspapers printed in the county or counties where such corporation is doing business, stating therein the time when such assessment was levied and the time when the same becomes due; such notice shall in justice court or court of record be conclusive evidence of notification of such assessment, and notify every member of such corporation by letter or postal card sent to his usual post-office address of the amount of such loss and the sum due from him as his share thereof and the time when and to whom payment thereof is to be made, which time shall not be less than thirty nor more than sixty days from the date of such notice; and the treasurer or person designated to receive such money may demand and receive two per cent. in addition to the amount of each such assessment for his fees in receiving and paying over the same; such assessment when collected shall be paid to the person entitled thereto, according to the terms of the policy issued to him; provided, that if any loss shall occur during the first eight months in any year, the board of directors, at the time of making the assessment therefor, may borrow money sufficient to pay such loss at a rate of interest not exceeding eight per cent. and shall therein include the interest in the assessment and the direct payment of such assessment to be made not later than the thirty-first day of December next following. Every member of such corporation who shall either neglect or refuse to pay such assessment, at the time specified in the notice sent to him in compliance with the provisions of this section, shall pay to such corporation a fine of two per cent. of the amount of such assessment for each week or part thereof, during which such assessment shall remain due and unpaid.

Town insurance companies, assessments to pay losses, board of directors, when to make.

Secretary to give notice of, by publication and mail.

Fees for collection.

Directors may borrow money to pay losses.

Penalty for neglect to pay assessment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 287, A.] [Published April 24, 1889.]

CHAPTER 477.

AN ACT to provide fishways in Rock river, in the county of Rock and state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishways in dams of Fox river in Rock county, how constructed.

SECTION 1. It shall be the duty of all persons owning, occupying or having charge of any dam now erected or hereafter to be erected on and across Rock river, in Rock county, Wisconsin, to construct in or upon such dam a good and sufficient fishway, under the supervision of such person or persons as may be appointed by the fish commissioners of the state of Wisconsin, and according to plans approved by said fish commissioners. Such fishways to be so constructed as not to injure or weaken any such dam, and so as not to waste any water which would otherwise be available to furnish power for any duly authorized purpose. And it shall be the duty of all such persons owning or occupying or having charge of any dam as aforesaid to keep such fishways in good repair and open for the free passage of fish up and down said river from the first day of March until the fifteenth day of May in each and every year after such fishways are built. The said fishways shall be constructed as aforesaid within six months after said owner, occupant or person having charge of such dam shall have been notified in writing by the board of fish commissioners of the state of Wisconsin that good and sufficient fishways have been constructed in or upon all dams which would otherwise obstruct the passage of fish up and down said river between the southerly line of the state of Wisconsin and the Mississippi river; provided, that no person shall be required to build or construct any fishway under the provisions of this act, the necessary original cost of which shall exceed three hundred dollars, including royalty, if patent fishways are used.

Penalty for neglect or refusal.

SECTION 2. Any person owning, occupying, or having charge of any dam upon and across Rock

river, within said Rock county, who shall refuse or neglect to construct or to keep in repair, or to keep open a fishway in accordance with the provisions of section 1, of this act, shall be liable to a fine of one hundred dollars and costs of suit, but no action at law shall be brought against the owner or owners of any dam in said county, except upon the complaint and under the direction of the fish commissioners of this state.

Repealed.

SECTION 3. All acts and parts of acts inconsistent or conflicting with this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 832, A.] [Published April 24, 1889.]

CHAPTER 478.

AN ACT to amend section 2, laws of 1881, amendatory of section 1558, of chapter 66, of the revised statutes of 1878, relating to proceedings for revocation of license.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 1558, R. S.

Writ of certiorari to board of supervisors, etc., to certify up proceedings on revocation of license, not to suspend order.

SECTION 1. When a writ of certiorari shall issue from the circuit court to the board of supervisors of a town, president or trustees of a village, or to the mayor or aldermen of a city, to certify up his or their proceedings, revoking licenses to sell liquors, or when an appeal is taken from the circuit court to the supreme court in such cases, it shall in no wise have the effect of suspending such order of revocation during the pendency of the matter in the court to which the same shall have been certified or appealed. But in any such case of certiorari or appeal, the person whose license has been so revoked may, on giving ten days' written notice to the party or parties revoking the same, have the circuit court hear and determine, at any court in its circuit, all

Party may have matter on, heard and determined on notice to opposite party.

matters certified up to it, or appealed to it, or he may, on like notice, have the judge of said court hear and determine the same at chambers, with the same powers, force and effect as if decided in term time.

SECTION 2. This act shall take effect and be enforced from and after its passage and publication.

Approved April 17, 1889.

[No. 317, A.] [Published April 24, 1889.]

CHAPTER 479.

AN ACT to amend section 1066, of the revised statutes of 1878, relating to statements of assessed valuations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 1066, R. S.

SECTION 1. Section 1066, of the revised statutes of 1878, is hereby amended by adding at the end thereof the following: Every county clerk shall, at the expense of the county, annually procure and furnish to each town, city and village clerks blanks for such statements, which blanks shall be in the following form:

STATEMENT

required by section 1066, revised statutes of 1878, showing the aggregate number and value of the several items of personal and real property appearing upon the assessment rolls of the—— of ——, in the county of——, state of Wisconsin,

Form of statement required.

DESCRIPTION OF PROPERTY.	Aggregate Number.	Aggregate Value.
1. Horses of all ages		$
2. Neat cattle of all ages		
3. Mules and asses of all ages		
4. Sheep and lambs		
5. Swine		
6. Wagons, carriages and sleighs		
7 Gold and silver watches		
8. Pianos, organs and melodeons		
9. Value of bank stock		
10. Value of merchants' and manufacturers' stock		
11. Amount of moneys, accounts, bonds, credits, notes and mortgages		
12. Value of all other personal property		
13. Total value of all personal property		$
14. Number of acres of land and value thereof		$
15. Aggregate value of city and village lots		
16. Total value of real estate		

———, Wis., ———, 18—.

I hereby certify the foregoing statement to be correct, as appears from the assessment rolls above referred to, which are now on file in this office.

——— ———,
——— Clerk.

Repeal.

SECTION 2. All acts or parts of acts conflicting with any of the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 546, A.] [Published April 20, 1889.]

CHAPTER 480.

AN ACT for an act to facilitate the collection of judgments against life insurance companies and mutual benefit societies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To facilitate collection of judgments.

SECTION 1. No life insurance company or mutual benefit society doing any kind of life insurance

business in this state, against which a final judgment shall have been recovered in any court in this state shall, after ninety (90) days from the rendition of such judgment, and whilst the same remains unpaid, issue any new policy or certificate of insurance in this state; and in case any such insurance corporation or its officers or agents shall violate the provisions of this section, it shall forfeit the sum of one thousand dollars ($1,000); provided, that in case of an appeal to the supreme court of this state, said ninety (90) days shall not begin to run until after said judgment shall have been affirmed and the decision remitted to the lower court according to law.

Life companies to pay final judgments rendered against them within 90 days thereafter

Penalty for violation.

SECTION 2. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 670, A.] [Published April 26, 1889.]

CHAPTER 481.

AN ACT to authorize John Arpin and Daniel J. Arpin, their associates, heirs and assigns, to erect and maintain a dam or dams across the Tomahawk river, in township thirty-six (36) north, of range six (6) east, in Oneida county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing John Arpin et al., to build dams across Tomahawk river, Oneida county.

SECTION 1. John Arpin and Daniel J. Arpin, their associates, heirs and assigns, are hereby authorized and empowered to erect and maintain a dam or dams (not exceeding two) across the Tomahawk river, on any lands now owned by them in section twenty-one (21), township thirty-six (36) north, of range six (6) east, at such point or points on their lands in said township and range as they shall select; provided, that if one dam only be erected, the same shall not exceed sixteen feet in height, and if two

dams be erected, then their aggregate height shall not exceed twenty-two feet; and provided further, that such dam or dams shall be so constructed as not to obstruct the running of timber or logs down said river, and said dam or dams shall be furnished with suitable slide or chute which shall be placed in the main channel of the river, so that the water can be drawn to within four feet of low water mark, and so located and constructed as to allow logs passing over the same to freely pass down the river away from said slide or chute, and the same shall be kept open at all times when there are logs or timber to run over said dam, and not less than sixteen feet in width, and in accordance with the laws of this state.

How constructed.

SECTION 2. All logs and timber destined to points on said river below said dam shall be taken by the owner or owners of said dam, when they reach the flowage thereof, and shall be driven without delay by said owner or owners free of charge, through the pond and the flowage created by said dam and over the same, suitable gates of the same height as the dam or dams above low water mark, shall be placed in said dam or dams for the purpose of flooding said river below the same, to facilitate the running of logs down said river, and said gates shall be opened whenever necessary for that purpose, but the height of water in the pond created by said dam or dams, shall not for that purpose be reduced over four feet below top of said dam, and shall be filled to top whenever requested by parties having logs there, as soon as the water in river will permit, so as to give floods as required. On or before the first day of March in each year, and in the year 1889, within ten days after taking effect of this act, the owners of said dam shall select one person, and the governor of the state of Wisconsin shall select another, and the two so selected shall, within ten days after receiving notice of such election, select a third, or in case of any failure to so select as aforesaid, the governor, on application of any person or corporation interested, and upon previous notice in writing of ten days to said owners, may fill the place of the persons not yet selected, by the appointment of disinterested persons for that purpose, and the three so selected or ap-

Logs and timber to be driven through pond, etc.

To have suitable gates.

Umpires to be appointed to settle disputes in reference to gates.

pointed, or a majority of them, in case of any dispute or disagreement as to the time or times of opening or closing said gates shall decide and determine when and how long said gates, shall be opened or closed for flooding purposes, and for that purpose may take and shall have full control of said dam; provided, said gates shall not be opened or remain open for flooding purposes when the height of water in said pond shall be at or below a point four feet below the top of said dam. The persons so selected or appointed shall continue to act as such umpire for one year from the first of March in the year in which they are appointed. The owner of said dam shall not be entitled to compensation for the use of said dam or the waters of such pond for flooding purposes in the manner above provided.

Use of water, control of.

SECTION 3. Said John Arpin and Daniel J. Arpin, their associates, heirs and assigns, shall have the right to use the water of said river and the water power created by such dam or dams, for propelling any kind of machinery that they may at any time hereafter see fit to erect, and to sell or lease the right to use said water power, or any part or portion thereof, subject to requirements of sections 1 and 2, of this charter, as hereinbefore mentioned.

SECTION 4. The legislature reserves the right to alter, amend or repeal this act whenever it may deem best.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 418, A.] [Published April 24, 1889.]

CHAPTER 482.

AN ACT relating to the fishing industries of Lake Michigan, Lake Superior, Chequamegon Bay, Green Bay and Sturgeon Bay, and to increase the fish supply thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishermen in waters of Great Lakes from Oct. 20 to Nov. 1, to mix eggs and milt of trout and white fish and cast into water.

SECTION 1. Every person fishing for himself, or for another as an employe, shall, while fishing in any of the waters of Lake Michigan, Lake Superior, Chequamegon Bay, Green Bay and Sturgeon Bay, from the twentieth day of October to the first day of November, in any year, take the eggs from the female trout while alive, and the milt from the male trout while alive, and after mixing them together in a pail or pan, immediately cast them into the water where such fish are taken. And it is likewise made their duty to pursue the same course as to whitefish, from the first to the twenty-fifth day of November in each year. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars ($10) nor more than twenty-five dollars ($25) and costs; and upon conviction for a second or subsequent offense, shall be punished by a fine of not less than twenty-five dollars ($25) nor more than fifty dollars ($50) and costs.

Penalty.

District attorney to prosecute.

SECTION 2. Upon complaint made in writing, under oath, before any magistrate or justice of the peace, charging the commission of an offense against the provisions of this act in his county, it shall be the duty of the district attorney to prosecute the offender, and justices of the peace shall have power throughout their respective counties, to hear, try and determine any violations of the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 892, A.] [Published April 24, 1889.]

CHAPTER 483.

AN ACT to amend section 225, chapter 15, of the revised statutes, entitled, "preemption and sale of public lands."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending section 225, R. S.

Redemption, when to be made.

Surplus to go to original purchaser.

SECTION 1. Section 225, of chapter 15, of the revised statutes, entitled, "preemption and sale of the public lands," is hereby amended so as to read as follows: Section 225. At any time before five days next preceding the re-sale of such land, the payments of the sum due with interest, and all taxes returned to said commissioners and unpaid, and all costs occasioned by the delay, together with three per cent. damages on the whole sum owing to such land, shall prevent such re-sale and revive the original contract; and if on a re-sale of such land, the same shall produce more than sufficient to pay the sum owing therefor, with interest, taxes and costs, and three per cent. damages on the amount of purchase money unpaid, the residue, when collected, shall be paid over to the former purchaser or his legal representatives.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 920, A.] [Published April 24, 1889.]

CHAPTER 484.

AN ACT to provide for the payment of the committee clerk provided for in joint resolution No. 27, A.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise ap-

propriated, a sum sufficient to pay the clerk of the committee on incorporations, provided for in joint resolution No. 27, A.

Appropriation, pay of clerk joint committee on Incorporations.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 512, A.] [Published April 26, 1889.]

CHAPTER 485.

AN ACT to authorize John T. Cosgriff, his associates and assigns, to improve Little Bear creek, in Oneida county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of improving Little Bear creek, in Oneida county, Wisconsin, so as to improve and facilitate the driving and floating of logs and timber in [and] down the same, John T. Cosgriff, his associates and assigns, are hereby authorized and empowered to improve said Little Bear creek by building and maintaining a dam across the same on the southwest quarter of the southeast quarter of section seven, town forty-one, range five east, in said Oneida county, and by clearing and strengthening channels, closing sloughs, driving piles and constructing and placing booms therein, and otherwise, so as to improve said creek for floating and driving saw-logs and timber in and down the same, and keep said improvements in repair and at all times operate the same for the driving and floating of all logs and timber that may be put in said Little Bear creek for the purpose of being driven and floated down and out of said creek.

Authorizing John T. Cosgriff et al., to improve Little Bear Creek, Oneida county.

SECTION 2. Whenever the said John T. Cosgriff, his associates or assigns, shall, with the aid of the improvements heretofore made by him thereon, have so improved said Little Bear creek as to render the floating and driving of logs and

May charge and collect tolls.

timber down said creek reasonably practicable and certain, and shall maintain and operate the same, so that logs and timber can be so floated and driven down said creek with reasonable certainty, on such freshets and with such rises of water as are necessary to float and drive logs in connection with the aforesaid improvements, the said John T. Cosgriff, his associates or assigns, in consideration of such improvements and the facilities obtained thereby, shall be and hereby is and are authorized to charge, and shall be entitled to collect and receive of any and all persons owning or controlling logs and timber, or either thereof, in said Little Bear creek, ten cents per thousand feet, board measure, for all logs and timber put into said Little Bear creek, as toll on all such logs and timber so designed and intended to be floated or driven down the same. Providing, that not more than five cents per thousand feet, board measure, shall be charged and collected as toll on logs and timber put into said creek below the north line of town forty-one north, range four east.

May take possession of logs, etc., and drive same down stream; toll.

SECTION 3. Whenever the said John T. Cosgriff, his associates or assigns, shall have so improved said Little Bear creek as aforesaid, as provided in the preceding sections, he and they shall be and hereby are authorized to take possession of all logs and timber put into said creek to be floated or driven down the same, the owners or persons in control of which shall not have made adequate provision for driving the same, or which may be in the way of the main drive on said creek, and to drive the same down said Little Bear creek, and shall be and hereby are authorized to charge and entitled to collect and receive of the owners of such logs or timber, forty cents per thousand feet, board measure, for all of such logs or timber so driven down and out of said Little Bear creek. Provided, that not more than twenty cents per thousand feet, board measure, can be charged and collected for driving logs and timber down said creek from the east line of town forty-one north, range four east.

Charges to be a lien.

SECTION 4. For all such charges for toll or otherwise on account of such improvements, and for driving any logs or timber under the provisions of this act, the said John T. Cosgriff, his associates and assigns may, and shall have, and the

same shall be a lien upon all such logs and timber as may be put in said Little Bear creek, to be floated or driven down said creek, or that may be driven down said creek by the said John T. Cosgriff, his associates or assigns; and such liens, whether for tolls or driving, or both, may be enforced in the same manner in every respect as other liens for labor or services on logs or timber, is or can, or may be enforced under or pursuant to chapter 143, of the revised statutes of this state for the year 1878, and the acts amendatory thereof.

SECTION 5. The right to alter or amend or repeal this act is hereby reserved. Rights reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 300, A.] [Published April 20, 1889.]

CHAPTER 486.

AN ACT to amend chapter 375, of the laws of 1887, relating to fish and game.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 375, of the laws of 1887, is hereby amended by inserting after the words, "state of Wisconsin," where they occur in the fourth line of said section, the following words: "and no person or persons shall catch or take any fish in any of the inland lakes, rivers or streams in said state by the use of any such net or seine," and also by adding to said section at the end thereof, after the words, "three feet in depth," the following words, to-wit: "except in streams or waters inhabited by or containing trout of any variety." The possession by any person or persons of any such net, snare or fish specified in this section, upon or on the border of any such inland, lake, river or stream, shall be prima facie evidence of the use of such net or snare and the catching and taking of such fish Amending ch. 375, laws 1887.

therewith by the person or persons in whose possession they are found; and all such net or nets, snares or fish so found shall be taken and confiscated by the wardens or officer making the arrest, and the same upon the conviction of such person or persons of such offense, shall be destroyed by said wardens or officer by and under the direction of the court before whom such conviction is had;" so that said section when amended shall read as follows: Section 1. No person or persons shall be allowed to set, place or use any gill, fyke, pound, seine, dip or other net or snare, in the inland lakes, river or streams of the state of Wisconsin, and no person or persons shall catch or take fish in any of the inland lakes, rivers or streams in said state by the use of any such net or seine (except fish known as white fish may be taken with a dip net having a hoop not exceeding thirty inches in diameter, between the tenth day of November and the fifteenth day of December in each year). The inland lakes, rivers or streams shall be construed as meaning all waters within the jurisdiction of the state except Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, that part of Fox river, lying north and east of a line drawn from a north-east corner of a south-east quarter of section twenty four (24), town twenty-four (24), range twenty (20) east, to the southwesterly corner of claim number forty-six (46), in town twenty-four (24) north, of range twenty one (21) east, according to government survey, and private ponds. This act shall not be construed to prevent the catching of minnows, shiners, chubs, dace suckers or stikle back for bait, by means of dip-nets, or seines, of not more than fifty feet in length, nor more than three feet in depth, except in streams or waters inhabited by or containing trout of any variety. The possession by any person or persons of any such net, snare or fish specified in this section upon or on the border of any such inland lake, river or stream, shall be prima facie evidence of the use of such net or snare, and the catching and taking of such fish therewith by the person or persons in whose possession they are found; and all such net or nets, snares or fish so found shall be taken and confiscated by the wardens, and the same upon the conviction of such person or persons

Nets, when and where not to be used.

Possession of, prima facie evidence of use.

of such offense, shall be destroyed by said wardens, by and under the direction of the court by and before whom such conviction is had.

When fish may be caught.

SECTION 2. Section 2, of chapter 375, of the laws of 1887, is hereby amended by striking out the word, "March" where it occurs in the fifteenth line of said section and inserting the word, "April," and also by striking out the word, "June," where it occurs in the seventeenth line of the said section and inserting in lieu thereof the word, "May," and also by inserting after the word, "black," where it occurs in the sixteenth line of said section the words, "green and oswego," and also by inserting after the word, "bass," where it occurs in said sixteenth line, the words, "and muskalonge," so that said section when amended shall read as follows: Section 2. No person or persons shall be allowed to fish for, catch or kill with any device, nor shall any person or persons sell or offer for sale, or buy or have in their possession any brook trout, mountain trout, rainbow trout, mackinaw trout, pike, black, green and oswego bass or muskalonge during their spawning season. The spawning or closed season shall be construed as follows: Brook, rainbow and mountain trout from the first day of September to the fifteenth day of April. Mackinaw trout (commonly called lake trout) from the first day of October to the fifteenth day of January. Pike (commonly called wall-eyed pike) from the first day of March to the first day of May; and black, green and oswego bass and muskalonge, from the first day of February to the first day of May. This act shall not be construed to prevent the buying or selling of fish or possessing fish during such spawning season that have been raised in private ponds or caught in other than the inland waters of the state.

Dynamite or explosives not to be used, spear, where may be.

SECTION 3. Section 3, of chapter 375, of the laws of 1887, is hereby amended by inserting after the words, "Fox and Wolf rivers," where they occur in the seventh line of said section, the following words: "And all waters emptying into Green Bay," so that said section when amended shall read as follows: Section 3. No person or persons shall be allowed to catch, kill or take any fish in any of the waters of the state by means of dynamite

or other explosives, or spear, except that a spear may be used in the waters of the Mississippi river and sloughs, and also a spear may be used in the waters of Lake Winnebago, Fox and Wolf rivers, and all waters emptying into Green Bay, for sturgeon and pickerel only.

Brook, rainbow or mountain trout not to be caught for, or exposed for sale, caught in public waters.

SECTION 4. Section 4, of chapter 375, of the laws of 1887, is hereby amended by striking out after the word, "barter" in the second line of said section the words, "or ship," and also by striking out all after the word, "angling" where it occurs in the ninth line of said section, so that said secton when so amended shall read as follows: Section 4. No person shall catch for sale, or offer for sale, or barter or ship out of the state any brook, rainbow or mountain trout caught in the public waters of this state, nor shall any person or persons catch, kill or take any brook, rainbow or mountain trout from any of the public waters of the state by means of any other device than hook and line or angling.

SECTION 5 Any person or corporation desiring to raise, cultivate, preserve or propagate speckled, river, salmon, mountain, hybrid or brook trout, in any stream, pond or lake within this state, flowing through or situate upon land owned or leased by him or it, shall post in at least two conspicuous places upon such lands durable signs setting forth the name of the owner or lessee; that such premises are devoted to the purposes of a fish pond, pound or preserve; and that thereafter any person or persons entering upon such premises without permission or authority of the owner or lessee will be guilty of trespass and liable to be punished according to the law of the state of Wisconsin. If a stream is sought to be preserved, such signs shall be posted upon its banks, one at each end of the portion sought to be preserved; and also at points intermediate, not more than half a mile apart; and the whole of such streams between these upper and lower points shall be protected and preserved by this act.

Private ponds, etc., may be established.

SECTION 6. Any person or corporation desirous of so raising, cultivating, preserving, propagating or keeping such trout in any stream belonging to or leased by him or it, shall have the right, and are hereby authorized to erect, construct and maintain upon such premises, or in or upon such

stream or water, such dams, sluices, screens, wires, pens, gates, obstructions, houses, buildings, boats, docks and other things of every description, which may be by him or it deemed necessary for such purposes.

Penalty for trespass.

SECTION 7. If any person or persons shall enter in or upon the premises, stream or water so preserved and protected, without consent of the owner or lessee, he or they shall be guilty of trespass; and if after such trespasser or trespassers shall so enter, he or they shall set or put or attempt to set or put any seine, net, hooks or other device or contrivance for catching or killing fish, into said water or stream, or shall fish or attempt to fish therein, by or with hook and line or in any other manner, or by shooting fish therein with a gun, pistol or bow and arrow, or by using or attempting to use a spear or gig, they shall in addition to being guilty of trespass be guilty of a misdemeanor.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 578, A.] [Published April 27, 1889.]

CHAPTER 487.

AN ACT to amend the charter of the city of Fort Howard.

(See Vol. 2.)

[No. 74, A.] [Published April 23, 1889.]

CHAPTER 488.

AN ACT to establish a system of public parks within the city of Milwaukee, and to provide for the purchase, payment and government thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of Milwaukee may issue $100,000 bonds for establishing and maintaining parks.

SECTION 1. The common council of the city of Milwaukee, is hereby authorized to provide by ordinance for the issue of corporate bonds of said city in amount not exceeding one hundred thousand dollars. Said bonds shall be payable in not more than twenty years after the date of said issue, and shall bear interest not exceeding the rate of five per cent. per annum. Said bonds shall be known as and called park lands and shall be issued exclusively to provide funds for establishing and maintaining parks within the city of Milwaukee, embracing one or more parks north of North avenue in said city, and one or more parks on the south side of the Milwaukee river, in said city. But it shall not be lawful to expend more than one-half of said proceeds from the sale of said bonds upon the park or parks within either of said divisions.

How issued.

SECTION 2. All bonds issued under the provisions of this act shall be signed by the mayor and clerk of said city, countersigned by the comptroller of said city, attested by the commissioners of public debt of said city, sealed with the corporate seal of said city, made payable in lawful money of the United States of America in the city of Milwaukee or New York, and shall each be for the principal sum of one thousand dollars, or five hundred dollars, or one hundred dollars, and shall have attached thereto interest coupons or warrants for the semi-annual payment of interest thereon, and such bonds and coupons shall be numbered in the form and manner to be designated by said comptroller.

SECTION 3. Bonds issued under the provisions of this act shall be issued from time to time, in

such amounts as the common council of said city may determine upon; said bonds, when issued and properly signed and sealed, shall be delivered to the commissioners of public debt of said city, and by that body disposed of, the proceeds arising therefrom to be paid into the treasury of said city, and such proceeds shall constitute a separate and distinct fund, to be exclusively applied for the purposes specified in the first section of this act. Provided, that nothing in this act contained shall be construed as authorizing said common council to issue bonds in excess of the limitation prescribed in section 6, of chapter 11, of the charter of said city and the acts amendatory thereof.

To be disposed of by commissioners of public debt.

SECTION 4. The office of commissioners of public debt of said city shall not be abolished while any of the bonds issued under the provisions of this act remain outstanding and unpaid.

Office of commissioners not to be abolished.

SECTION 5. The provisions of sections 2, 6, 7, 8, 9, 10, 11 and 17, chapter 87, of the laws of 1861, applicable and not inconsistent with the provisions of this act, shall apply to bonds issued under the provisions of this act, and such sections, if not inconsistent, are incorporated as a part of this act. The true intent and meaning of this act is to provide for the present issue of bonds in the same manner as bonds issued under the provisions of that act are provided for.

Certain provisions of chapter 87, laws 1861, to apply.

SECTION 6. The common council of said city shall annually cause a tax to be levied upon all taxable property in said city, both personal and real, for the payment of the annual interest on all unpaid bonds issued under the provisions of this act, and for twenty years before the principal of said bonds becomes due, the said common council shall annually cause a tax to be levied upon all taxable property in said city, both personal and real, equal in amount to five per cent. of all bonds issued under the provisions of this act, for a sinking fund to redeem such bonds as the said commissioners of public debt direct to be cancelled.

Tax levy.

SECTION 7. As soon as a sinking fund shall have been collected and set aside, the said commissioners of public debt shall proceed to cancel bonds in amount equal to the sinking fund so provided.

When to cancel.

SECTION 8. All bonds directed to be paid by said commissioners of public debt shall be, when

How cancelled.

paid, stamped, "cancelled," and when so stamped shall be delivered to the common council of said city, and by that body publicly declared cancelled,

Not to be sold for less than par.

SECTION 9. The commissioners of public debt of said city are hereby prohibited from selling or otherwise disposing of any such bonds at a less valuation than par, that is to say, at less than the principal of said bonds, together with the accrued interest thereon.

Mayor to appoint park commissioners.

SECTION 10. It shall be the duty of the mayor of the city of Milwaukee on or before the first day of June, 1889, to appoint, subject to the approval of the common council as in the case of the appointment of other officers, five commissioners who shall constitute a board of park commissioners. Said commissioners shall be chosen from the freeholders of said city, and the mayor shall nominate the chairman of said board and designate the length of the term of each commissioner one being appointed for one year, one for two years, one for three years, one for four years and one for five years, and the mayor shall in like manner each year appoint a new commissioner who shall hold for five years. In the case of vacancy the mayor shall appoint a commissioner for the unexpired term. Each of said commissioners before entering upon the duties of his office shall take an oath to well and truly discharge the duties of his office, which oath shall be reduced to writing, subscribed by him and filed in the office of the city clerk. All lands acquired by said city of Milwaukee under the provisions of this act shall be held, managed and controlled by said board of park commissioners as a public park or parks for the recreation, health and benefit of the public and free to all persons, subject to such necessary rules and regulations as shall be, from time to time, adopted by said board of park commissioners for the well ordering and government of the same. The commissioners appointed under this section shall receive no salary.

Duties.

Provisions of chapter 6 of chapter 184, laws 1874, relating to acquiring of lands by purchase or lease to apply.

SECTION 11. The provisions of chapter 6, of chapter 184, of the laws of 1874, being the charter of the city of Milwaukee, and the several acts amendatory thereof, are hereby so amended and enlarged as to authorize said city through said board of park commissioners, to take and acquire by purchase, or by lease with the privilege to

purchase, by agreement with the owner, in addition to, or in place of the lands to be paid for from the proceeds of said bonds, lands and property for the purpose of establishing the parks herein provided.

SECTION 12. In case said city through said board of park commissioners cannot agree with the owner or owners of any of the land required for said parks on the terms of purchase, it is hereby authorized to condemn and take the same in the manner required by law to enable said city to take and condemn lands for the purpose of laying out streets, alleys, public squares and grounds; provided, that for the purposes contemplated by this act it shall not be necessary to have any petition of freeholders or bond; but the common council shall, by resolution adopted by an affirmative vote of a majority of the aldermen elect, direct proceedings to be had for such purpose, and hereafter the proceedings shall be, in all respects as provided by law, for the taking of property for public use as a street without petition or bond.

May condemn lands when agreement cannot be had.

SECTION 13. No such purchase or lease shall be made until the same shall have been ordered by the common council of said city, by resolution adopted by an affirmative vote of a majority of the aldermen elect specifying the land to be purchased, the maximum price to be paid therefor and the terms of payment or the terms of option in case of lease by the city with the privilege of purchasing. Any such purchase may be made in whole or part on credit and for that purpose the proper officers of said city may execute and deliver to the vendor of such land or property purchased, an instrument creating a lien thereon and any improvement thereon, for such purchase money, without creating any corporate liabilities therefor, to secure the whole or any part of the price in installments, extending not more than ten years from the date of such purchase, which installments may bear interest at such rates as shall be agreed on, not exceeding seven per cent. per annum.

When purchase or lease may be made.

May be on credit.

SECTION 14. This act shall take effect and be in force on and after the date of its passage and publication.

Approved April 17, 1889.

[No. 914, A.] [Published April 24, 1889.]

CHAPTER 489.

AN ACT to authorize and empower the county of Florence to construct a bridge, and to borrow money and levy a tax or taxes to aid in the construction of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Florence county authorized to construct bridge across Menomonee river.

SECTION 1. The county board of the county of Florence is hereby authorized to construct, jointly with the county of Menominee in the state of Michigan, a bridge across the Menominee river, at a point on section three (3) township thirty-eight (38) north, of range nineteen (19), Florence county, Wisconsin, and section eleven (11), township thirty-nine (39) north of range thirty-one (31), Menominee county, Michigan, in such manner and of such material as may be determined on by the county boards of said counties at a cost to said county of Florence of not more than thirty five hundred dollars ($3,500.)

May borrow money.

SECTION 2. For the purpose of constructing said bridge the county board of said county of Florence is hereby authorized and empowered to borrow from any person, persons or corporation, any sum or sums of money, not to exceed in all the said sum of thirty-five hundred dollars ($3,500) for a term of years not exceeding ten (10), and at a rate of interest not exceeding seven per cent. per annum.

Issue bonds; how executed.

SECTION 3. For the purpose of securing the payment of the money so borrowed or the interest thereon, the county board of said county is hereby authorized to issue bonds in such sums as the county board may prescribe, not to exceed in all the said sum of thirty-five hundred dollars ($3,500), to bear interest at a rate not to exceed seven per cent. per annum, and to be made payable at the office of the county treasurer of said county of Florence, within ten (10) years from the first day of May, A. D. 1889. Said bonds shall be signed in behalf of said county by the chairman of the county board and the county clerk, and

sealed with the county seal as provided by law, and the faith and credit of said county shall be pledged for the payment of said bonds and interest.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 690, A.] [Published April 23, 1889.]

CHAPTER 490.

AN ACT to amend the charter of the city of Pittsville.

(See Vol. 2.)

[No. 528, A.] [Published April 25, 1889.]

CHAPTER 491.

AN ACT to amend and revise the charter of the city of Prairie du Chien.

(See Vol. 2.)

[No. 343, A.] [Published April 23, 1889.]

CHAPTER 492.

AN ACT to amend the charter of the city of La Crosse.

(See Vol. 2.)

[No. 54, A.] [Published April 27, 1889.]

CHAPTER 493.

AN ACT to regulate the manner of drawing petit jurors in certain counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Petit jurors in counties of 150,000 or more. Commissioners to be appointed.

SECTION 1. In all counties containing a population of over one hundred and fifty thousand people, petit jurors for the circuit court shall hereafter be drawn and obtained in the following manner. The judge of said court, together with the judge of any other court of exclusive civil jurisdiction requiring a jury in said county, if any, shall, on or before the first day of July after the passage and publication of this act, designate and appoint three freeholders of the county, of sound judgment and good repute, who shall be known as special commissioners, whose duties shall relate to the manner of drawing juries to serve in such court.

List to be furnished.

SECTION 2. Such commissioners shall furnish and provide from time to time, as may be necessary, the list of names to be drawn from the body of the county to serve as petit jurors, having regard in furnishing such names to the requirements and provisions of chapter 116, of the revised statutes and the acts amendatory thereof.

Number of names to be embraced in.

SECTION 3. Such lists, embracing at least four hundred names, shall be duly furnished by said commissioners to the clerk of the said court, who shall write the names on separate slips of paper, each in the same manner as near as may be, and fold the same so that the name written thereon shall not be visible, and shall deposit said pieces of paper in a box in the presence of said commissioners, which box shall contain but one department, from which they shall be drawn as hereinafter provided.

Clerk to draw jurors from list.

SECTION 4. At least fifteen days before the sitting of any court at which a jury is required to attend the said clerk shall, in the presence of said commissioners, proceed to draw the names of thirty jurors from the said box to serve as petit

jurors at such court, whose names as they are drawn shall be entered upon a suitable record book, to be kept by said clerk. The list of the names so provided shall be kept by said clerk, and a separate list by at least one of said commissioners.

How summoned.

SECTION 5. Jurors shall be summoned in the same manner as jurors are now summoned, and paid as now provided by law.

In absence of regular panel court may direct clerk to draw additional.

SECTION 6. Whenever at any term of any such court there shall be an entire absence of jurors of the regular panel, whether from an omission to draw and summon the same, or because of a challenge to the panel, or from any other cause, the court may direct the clerk, in the presence of the said commissioners, without delay, to draw from the names so furnished and provided, such number as may be required to serve as jurors during the term, and whenever there shall be a deficiency of jurors of the regular panel at any time during the term, for any cause whatever, the court may order a sufficient number drawn, under the provisions of this act, to fill the regular panel, or a less or larger number, as the public interests and the condition and character of the business shall require.

When bystanders may be called.

SECTION 7. When by reason of challenge or otherwise, a sufficient number of jurors duly drawn and summoned as hereinbefore provided cannot be obtained for the trial of any cause, the court may, in its discretion, cause duly qualified jurors to be returned from the bystanders or from the county at large for the trial of such cause, and make the proper and necessary orders to carry out this provision, but the jurors so summoned shall be summoned and paid only for service in such cause.

Juror drawn to be exempt.

SECTION 8. Any juror whose name has been drawn on any regular panel and who has not been excused from service by the court, shall be exempt from jury service for the period of one year next ensuing.

Commissioners, when to supply other names.

SECTION 9. Whenever the said list has been depleted by the drawing out of names as herein provided, or from any other cause, it shall be the duty of said commissioners to supply other names to make up for such depletions so as to have not less than three hundred, nor more than

five hundred names in the box at the time any drawing of jurors takes place.

When jurors may be excused.

SECTION 10. It shall be competent for the court whenever it shall seem proper and necessary so to do, having regard to the length of a term of court and an equitable distribution of the duties of jurors, to excuse any panel or number of jurors after a service of two weeks or more and to order another panel or additional jurors to be drawn under the provisions of this act, to complete the business of the term.

Term of commissioners.

SECTION 11. The term of the commissioners appointed under this act shall be three years, but the court shall in the first instance appoint a commissioner for one year, another for two years, and the third for three years, and thereafter shall appoint one commissioner each year for the period of three years from the first day of July of such year, and in case a vacancy occurs in said board of commissioners it shall be the duty of the court to fill such vacancy as speedily as practicable.

Quorum.

SECTION 12. Two commissioners shall constitute a quorum for the transaction of business under this act, and any commissioner may, at any time, be removed by said judge or judges without assigning any reason therefor.

Compensation.

SECTION 13. Such commissioners shall receive a compensation of five dollars each per day for every day actually spent in official service, payable out of the county treasury on the order or warrant of the clerk of the court, countersigned by the circuit judge.

To take oath of office.

SECTION 14. Such commissioners shall, before entering upon the duties of the trust imposed upon them, respectively take and subscribe before the clerk of the said court an oath to support the constitution of the United States and the constitution of this state and faithfully to discharge the duties of such special commissioner to the best of his ability and shall file the same duly certified by the said clerk, in the office of said clerk.

Penalty for soliciting commissioners to put names on lists.

SECTION 15. It shall be unlawful for any person directly or indirectly to solicit the said commissioners or either of them to put his name on any jury list furnished under the provisions of this act, and any person violating this section shall be deemed guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars

or by imprisonment in the county jail not less than ten days, or by both such fine and imprisonment.

SECTION 16. All the provisions of section 116, of the revised statutes, and the acts amendatory thereof, touching the duties of petit jurors and the power of the court to impose fines for non-attendance pursuant to summons, or neglect or refusal to serve as a juror and all other provisions not inconsistent with this act, are, and shall remain in full force, in the same manner and to the same effect as if this act had not been passed.

Provisions of section 116, R. S., to apply.

SECTION 17. If there is now or shall at any time be in any such county any other court of exclusive civil jurisdiction, requiring a jury, the provisions of this act shall be equally applicable to such court and the same commissioners shall act for such court as for the circuit court and have full power and authority so to do and their acts and doings under this law in such behalf shall have the same force and effect as if done in and for the circuit court.

To apply to courts of exclusive jurisdiction.

SECTION 18. The clerk of the said court is authorized to furnish at the expense of the county all books and stationery required in carrying out the provisions of this act.

Approved April 17, 1889.

[No. 405, S.] [Published April 18, 1889.]

CHAPTER 494.

AN ACT to amend chapter 248, of the laws of 1889, entitled, "An act to prevent espoinage at public elections, to secure more fully the independence of voters, to enforce the secrecy of the ballot, and to provide for printing and distributing ballots at public expense."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 22, of chapter 248, of the laws of 1889, is hereby amended by adding at the

Amending election laws, ch. 298, laws 1889.

end thereof, the following: A duplicate list of the qualified electors in each election district where registration thereof now is, or hereafter may be required by law, shall be prepared for the use of the ballot clerks, and all the provisions of law relative to the preparation, furnishing and preservation of check lists shall apply to such duplicate lists.

Sec. 22—Duplicate lists of electors to be furnished ballot clerks.

SECTION 2. Section 23, of said chapter 248, is hereby amended by striking out the words, "across or," where they appear in the sixth line thereof, and inserting in lieu thereof the words, "a cross," and by inserting after the word, "under," in line 22, the words, "the provisions of this act or," so that said section when so amended, shall read as follows: Section 23. On receipt of his ballots the elector shall forthwith, and without leaving the polling place, retire alone to one of the places, booths or compartments provided, to prepare his ballots. He shall prepare his ballots by marking a cross after the name of the person or persons for whom he intends to vote, for example (X) or in case of a ballot containing a constitutional amendment or a question to be be submitted to the vote of the people, by marking on the appropriate margin, or place, a cross (X) against the answer which he desires to give. In marking such a ballot any elector shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark or to have had marked in advance of entering the polling place or booth to assist him in marking the official ballot, but no elector shall be at liberty to use or bring into the polling place any unofficial sample ballot printed upon paper of the color or quality now required to be used for the printing of ballots under the provisions of this act or the general election laws of this state. After preparing his ballots, the elector shall fold each of them so that the face of the ballot will be concealed, and so that the printed indorsement and the signatures or initials of the ballot clerks thereon may be seen. He shall then vote forthwith and before leaving the polling place; provided, however, that any elector who desires to vote for an entire group may mark a cross as above described against the political designation of such group, and shall then be deemed

Sec. 23—Marking of ballot by voter.

to have voted for all the persons named in such group, whose name shall not have been erased.

SECTION 3. Section 24, of said chapter 248, is hereby amended by striking out the word, "ten," where the same appears in the fifth line thereof, and inserting in lieu thereof the word, "five," and by adding at the end of the section the following: "It shall be the duty of the presiding election officer for the time being to secure the observance of the provisions of this section," so that said section when amended shall read as follows: Section 24. Not more than one person shall be permitted to occupy any one shelf or compartment at one time, and no person shall remain in or occupy a shelf or compartment longer than five minutes, provided the other shelves or compartments are occupied. It shall be the duty of the presiding election officer for the time being to secure the observance of the provisions of this section.

Sec. 24—Voter allowed five minutes in compartment to prepare ballot.

SECTION 4. Said chapter 248, is hereby amended by striking out section 26 thereof, and in lieu thereof inserting the following: Section 26. Any voter who declares under oath to the presiding officer of election that by reason of physical disability he is unable to mark his ballot, shall, upon request, have the assistance of one or two of the election officers in the marking thereof, and such officer or officers shall thereafter give no information whatever regarding the same. The presiding officer of election is hereby qualified to administer such oath, and any elector who swears falsely as to such disability shall be deemed guilty of perjury.

Sec. 26—Voter laboring under physical disability may have assistance of election officer in preparing ballot, when.

SECTION 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 114, S.] [Published April 25, 1889.]

CHAPTER 495.

AN ACT to appropriate to Bentley and Nowlan, a sum of money therein named, in full of all their claims against the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Bentley and Nowlan in full settlement of claim for construction of wings on capitol.

SECTION 1. There is hereby appropriated in full settlement of the account of Bentley and Nowlan, out of any money in the treasury not otherwise appropriated the sum of twenty-six thousand dollars in full payment and final settlement of their claim as contractors for the construction of additional wings to the state capitol, and for the amounts of money actually advanced, expended and paid by them for restoring, replacing and reconstructing the south wing of said capitol after the fall thereof on the eighth day of November, 1883, together with interest; provided, said contractors shall accept the same in full of all demands against the state of Wisconsin, and execute receipts to that effect and discontinue their action now pending against the state in the supreme court without costs to the state executing such release of claims with the approval of the attorney-general and filing the same with the governor, and provided, further, that the governor shall, after ascertaining from proof presented to him under oath certify that such an amount is due the said Bentley and Nowlan over and above twenty-six hundred dollars, which sum said Bentley and Nowlan have agreed to throw off and deduct from interest accumulated. No sum in excess of twenty-six thousand dollars shall be paid under this act, and only such sums shall be paid as the governor shall certify to be due as aforesaid, and the amount paid under this act, whatsoever it may be, shall be in full of all claims of Bentley and Nowlan against the state of whatsoever kind or nature.

Governor to ascertain amount due.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 18, 1889.

[No. 196, S.] [Published April 24, 1889.]

CHAPTER 496.

AN ACT to amend chapters 114 and 165, of the revised statutes of 1878, entitled, "of county courts," and "of the proof and payment of debts and legacies."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 2454, R. S., county judge, clerk, or any person employed by, to charge for drawing papers necessary, except certified copies, etc.

SECTION 1. Chapter 114, of the revised statutes of 1878, is hereby amended by adding after section 2454 thereof, the following: Section 2454a. Except as provided in section 2455, of the revised statutes, no judge of any county court, while holding such office, or his clerk, or any person employed by such judge in or about his office, shall charge for drawing any papers necessary for the settlement and distribution of any estate or any papers necessary for the commencement or prosecution of any action, proceeding or matter in any of the county courts of this state, except for certified copies and returns on appeals, and no executor or administrator, guardian or other person shall be allowed to pay any judge of any county court or the clerk or any person employed by such judge, in or about his office, any compensation whatever, either directly or indirectly, for drawing any such papers, or for any service whatever, rendered to such executor, administrator, guardian or other person, except for certified copies and returns on appeals, in any action, proceeding, matter or settlement of any estate in any of the county courts of this state; and no judge of any county court shall allow any items of disbursement except as above provided, in the adjustment and settlement of any accounts of such executor, administrator, guardian or other person, incurred either directly or indirectly, for such services; and any county judge who shall knowingly violate the provisions of this act, shall be liable to a fine of not less than five hundred dollars and impeachment. This act shall not apply to counties that at the time of the taking of

Penalty for violation.

the last state or United States census, had less than five thousand inhabitants.

Amending sec. 2457, R. S.

Testimony of witnesses sworn to be reduced to writing, when.

SECTION 2. Section 2457, of the revised statutes of 1878, is hereby amended so as to read as follows: Section 2457. When any witness is sworn and examined in any contested matter or proceeding in any county court, the judge thereof shall cause the testimony of the witness to be reduced to writing and filed with the other papers in the matter or proceeding.

Amending sec. 3840, R. S.

SECTION 3. Section 3840, of chapter 165, of the revised statutes of 1878, is hereby amended by inserting next after the word, "months," where the same occurs in the fourth line of said section, the words, "from the date of said order, and such order shall be first published within fifteen days from the date thereof," so that said section when amended shall read as follows: Section 3840. The county court shall allow such time as the circumstances of the case shall require for the creditors to present their claims for examination and allowance, which time shall not in the first instance exceed one year, nor be less than six months from the date of said order, and such order shall be first published within fifteen days from the date thereof. Such time may be enlarged or extended before or within the two months after the expiration of the time previously limited has expired, for good cause shown, upon application of a creditor, upon reasonable notice to the executor or administrator if any, and otherwise to such parties in interest as the court shall direct, but not so that the whole time will exceed two years from the time of granting letters testamentary or of administration; such claims shall be heard by the court or commissioners as the court shall direct.

Notice to creditor's order for, to be published within fifteen days from date.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 18, 1889.

[No. 308, S.] [Published April 24, 1889.]

CHAPTER 497.

AN ACT to authorize the city of De Pere to issue bonds for certain purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The mayor and common council of the city of De Pere are hereby authorized to issue the bonds of said city for the purpose of building bridges and school-houses in said city, and to buy water power for the erection of pumping works for the better protection of property against fire, and to run an electric plant to light said city; provided, that the aggregate amount of all bonds issued under this act shall not exceed fifty thousand dollars; and further provided, that no greater amount of such bonds shall be issued from time to time than is necessary for the work then in contemplation and approved by an affirmative vote of the electors of said city as hereinafter provided.

City of De Pere may issue bonds.

SECTION 2. The bonds issued under this act shall be called and known as improvement bonds; each issue of bonds under this act shall be numbered consecutively from one upwards, in the order of their issue; shall be signed by the mayor and city clerk, and sealed with the corporate seal; shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually or annually, as the council may determine; shall have interest coupons attached, and be made payable in not to exceed twenty years from their dates. Such bonds shall be in such sums as the council may direct, and principal and interest shall be made payable at the office of the city teasurer in De Pere.

Known as improvement bonds.

SECTION 3. Such new bonds shall be sold for not less than their face value, and the proceeds shall only be used for the building of bridges across the Fox river, and the building of school-houses in said city, and the purchasing of a water power for the erection and the erection of pumping

Not to be sold for less than par.

works and an electric light plant to protect and to light said city.

Levy tax.

SECTION 4. The common council of said city shall annually levy on the taxable property in said city, a tax sufficient to pay the interest upon all bonds issued under this act, as the same becomes payable, and shall also levy such sums as may be necessary to pay the principal on said bonds when they severally fall due; but no such taxes shall be levied or bonds issued for the purposes mentioned in this act, unless the question of levying such tax, or issuing such bonds, shall have been submitted by a vote of a majority of the common council of said city, to a vote of the electors of said city, and adopted at an annual or charter election, or an election specially called for that purpose by said common council; and in either case such common council shall give notice of the submission of such question to the electors, as is required by law to be given of a special election; such vote in every case shall be by ballot, and the common council shall prescribe the form thereof, the votes shall be canvassed, returned, and the result declared as in other elections.

Not to be levied unless submitted to vote and carried.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 309, S.] [Published April 24, 1889.]

CHAPTER 498.

AN ACT to authorize the city of West De Pere to issue bonds for certain purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of West Depere may issue bonds.

SECTION 1. The mayor and common council of the city of West De Pere are hereby authorized to issue the bonds of said city for the purpose of building bridges and school-houses in said city, and to buy water power for the erection of pump-

ing works for the better protection of property against fire and to run an electric plant to light said city; provided, that the aggregate amount of all bonds issued under this act shall not exceed thirty thousand dollars; and further provided, that no greater amount of such bonds shall be issued from time to time than is necessary for the work then in contemplation and approved by an affirmative vote of the electors of said city as hereinafter provided.

Known as improvement bonds.

SECTION 2. The bonds issued under this act shall be called and known as improvement bonds; each issue of bonds under this act shall be numbered consecutively from one upwards, in the order of their issue; shall be signed by the mayor and city clerk, and sealed with the corporate seal; shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually or annually as the council may determine; shall have interest coupons attached, and be made payable in not to exceed twenty years from their dates. Such bonds shall be in such sums as the council may direct, and principal and interest shall be made payable at the office of the city treasurer in West De Pere.

Not to be sold for less than par.

SECTION 3. Such new bonds shall be sold for not less than their face value, and the proceeds shall only be used for the building of bridges across the Fox river and the building of schoolhouses in said city, and the purchasing of a water power for the erection and the erection of pumping works and an electric light plant to protect and to light said city.

May levy tax to pay.

SECTION 4. The common council of said city shall annually levy on the taxable property in said city a tax sufficient to pay the interest upon all bonds issued under this act, as the same becomes payable, and shall also levy such sums as may be necessary to pay the principal on said bonds when they severally fall due, but no such taxes shall be levied or bonds issued for the purposes mentioned in this act unless the question of levying such tax or issuing such bonds shall have been submitted by a vote of a majority of the common council of said city to a vote of the electors of said city, and adopted at an annual or charter election, or an election specially called for that purpose by said common council; and in

Not to levy unless submitted to vote and carried.

either case such common council shall give notice of the submission of such question to the electors, as is required by law to be given of a special election. Such vote in every case shall be by ballot, and the common council shall prescribe the form thereof. The votes shall be canvassed, returned, and the result declared as in other elections.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 200, S.] [Published April 22, 1889.]

CHAPTER 499.

AN ACT relating to the registration of electors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Registration of electors, to apply to municipal and judicial.

SECTION 1. The general law requiring the registration of electors, shall apply to the annual municipal and judicial elections in all towns, villages and cities in which registration is now required at general elections.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 917, A.] [Published April 18, 1889.]

CHAPTER 500.

AN ACT to increase the per diem compensation of certain legislative employes for the session of 1889.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The copyists of the assembly shall be paid at the rate of three dollars and fifty cents ($3.50) per day from March 20, 1889, deducting therefrom such sums as may have been paid them for copying by the folio subsequent to said date. The chief clerk of the assembly shall certify to the secretary of state the names of the persons whose compensation is increased by this act, and there is hereby appropriated a sufficient sum of money out of the state treasury to pay such additional compensation to such employes. Increasing per diem of certain assembly employes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 649, A.] [Published April 22, 1889.]

CHAPTER 501.

AN ACT to repeal chapter 149, of the private and local laws of the year 1862, entitled, "an act relative to publishing notice of tax sale and delinquent list in the county of Columbia."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 149, of the private and local laws of the year 1862, entitled, "an act relative to publishing the notice of tax sales and the delinquent list in the county of Columbia," is hereby repealed. Repeal of ch. 149, P. & L. laws 1862.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 926, A.] [Published April 24, 1889.]

CHAPTER 502.

AN ACT to amend section 3841, of the revised statutes of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 3841, R. S.

SECTION 1. Section 3841, of the revised statutes of the state of Wisconsin, is hereby amended by adding to said section the following clause: "And no claim shall be allowed by said court or commissioners against said estate as a set-off or otherwise, the consideration for which shall be the sale at retail under license issued after the enactment of this amendment of any ardent, malt, spirituous or intoxicating liquors," so that when amended said section shall read as follows: Section 3841. When a creditor against whom the deceased had claims shall present a claim to the county court or commissioners, the executor or administrator shall exhibit the claims of the deceased in off-set to the claims of the creditor and the court or commissioners shall ascertain and allow the balance against or in favor of the estate, as the same shall be found, but no claim barred by the statute of limitations shall be allowed by the court or commissioners in favor of or against the estate, as a set-off or otherwise, and no claim shall be allowed by said court or commissioners against said estate as a set-off or otherwise, the consideration of which shall be the sale at retail under license issued after the enactment of this amendment, of any ardent, malt, spirituous or intoxicating liquors.

Claims for liquor sold deceased at retail not to be allowed against estate.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 931, A.] [Published April 22, 1889.]

CHAPTER 503.

AN ACT fixing the terms of the circuit court for Iowa county, in the Fifth Judicial Circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court in Iowa county —5th circuit.

SECTION 1. The terms of the circuit court for Iowa county shall hereafter be held on the fourth Monday in March, and last Monday in September of each year.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 45, S.] [Published April 24, 1889.]

CHAPTER 504.

AN ACT to appropriate to A. Hilker and others certain sums of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to A. Hilker et al., for materials furnished and labor performed on erection and completion of university buildings.

SECTION 1. There is hereby appropriated to A. Hilker, William Hilker, John F. Wadewitz and F. Hamerssen, constituting the copartnership firm of Hilker Bros. & Co., of Racine, Wisconsin, two thousand eight hundred and fifty-two dollars; to Casper M. Sanger, Henry H. Rockwell, C. H. Moss, Charles A. Radcliffe and George Donald, constituting the copartnership firm of Sanger, Rockwell & Co., of Milwaukee, Wisconsin, the sum of two thousand one hundred thirty-five dollars and eighty-two cents; to Joseph Hadfield, Abram H. Hadfield and George A. Hadfield, constituting the copartnership known as

the Hadfield company, of Waukesha, Wisconsin, one thousand six hundred and eighty-six dollars; to William Vroman and Edwin C. Mason, constituting the copartnership firm of Vroman & Mason, of Madison, Wisconsin, two hundred and two dollars and fifty-eight cents; to C. M. Waite, of Whitewater, Wisconsin, the sum of two hundred ninety-nine dollars and seventy-five cents; to Arthur McDonald, of Madison, Wisconsin, eighty-four dollars; to Andrew Kinnaer, of Madison, Wisconsin, one hundred and forty-seven dollars; to William Gomall, of Racine, Wisconsin, the sum of twenty-one dollars and thirty cents, to Christian R. Stein and Adolph Kayser, constituting the copartnership firm of C. R. Stein & Co., of Madison, Wisconsin, the sum of forty-seven dollars and twenty eight cents; and to John Lichter, of Milwaukee, Wisconsin, the sum of fifty-three dollars and forty cents, on account of materials furnished and labor performed by the said several persons above named for the erection and completion of the buildings situated on the grounds of the university of Wisconsin known as the carpenter and machine shops, the boiler house and chimney stack, and the chemical laboratory.

When to be audited by secretary of state.

SECTION 2. The sums of money mentioned in section 1, of this act, shall be paid to the persons above named for the material so furnished by them, and for the labor so performed by them, on bills therefor, to be audited by the secretary of state only upon the sworn statement of such creditors that the sums claimed by them respectively, are for material actually furnished, or for labor actually performed in the construction of said buildings or either of them, and that the sum claimed therefor is just, and accompanied by a certificate of Allen D. Conover, superintendent of construction of said buildings, that the said bills or claims respectively are just and true.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 858, A.] [Published April 24, 1889.]

CHAPTER 505.

AN ACT to amend chapter 270, of the general laws of 1887, entitled, "an act to change the boundaries of the towns in Forest county, and relating to taxation in said county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3, of chapter 270, of the laws of 1887, is hereby amended by striking out the words, "seventy-five hundred," where they occur in said section, and inserting in lieu thereof the words, "nine thousand," so that said section, when so amended, shall read as follows: Section 3. It shall be unlawful for said Forest county to raise or expend an amount exceeding the sum of nine thousand dollars annually for five years for all county purposes, and it shall be unlawful for the county board of said county during the said five years, to appropriate any sum whatever for roads, bridges or any town purposes whatever.

Amending ch. 270, laws 1887, increasing amount which Forest county may raise for county purposes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 941, A.] [Published April 24, 1889.]

CHAPTER 506.

AN ACT amending section 299, of chapter 20, revised statutes, relating to the schedule for printing and binding.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Amend section 299, of chapter 20, revised statutes, by striking out the words, "Full morocco, 16 mo. or 12 mo., two dollars and twen-

Amending sec. 299, R. S.—schedule for printing and binding.

ty-five cents," where they occur in the schedule under the caption, "binding, including stock per volume," and insert in lieu thereof, the following: "Full morocco, 16 mo. or 12 mo., one dollar and fifty cents; half morocco, 16 mo. or 12 mo., seventy-five cents."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 464, A.] [Published April 24, 1889.]

CHAPTER 507.

AN ACT relating to the manner of conducting general elections and amendatory of sections 36, 37, 38 and 45 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending sec. 36, R. S., clause 3, sub. 4, so as to include actual residents for 10 days previous to election.

SECTION 1. Clause 4, of the third subdivision of section 36, of chapter 5, of the revised statutes, is hereby amended so as to read as follows: 4. Are you now and have you been for the last ten days, an actual resident of this town, ward or village, and what is the particular description, name and location of your residence? And add clause 5 as follows: 5. Have you registered to vote at this election at any other place within this state?

Amending sec. 37, R. S.—additional questions relating to residence.

SECTION 2. Section 37, of chapter 5, of the revised statutes is hereby amended by adding subdivision twelfth as follows: 12th. If an unmarried person sleeps in one ward and boards in another, the place where he sleeps shall be considered as his place of residence. 13th. If an unmarried person be employed on a railroad, boat or stage line, and has boarding places at different places, if one of those places be with his parents, that place shall be considered his residence, unless he has by registering to vote elsewhere, or by the performance of some other kindred act, elected some other place as his residence. If he has no parents and has not registered at any other place

to vote, he shall be asked: "Do you consider this your place of residence, and have you so considered it for the past ten days in preference to any other place?" If he answers in the affirmative, he shall be entitled to all of the privileges and be subject to all of the duties of other citizens of the place of residence in the matter of voting, jury service, poll taxes and assessments for taxes.

Amend sec. 38—10 days residence required.

SECTION 3. Section 38, of chapter 5, of the revised statutes, is hereby amended by adding to the eleventh line of said section the following words: "and have been for the last ten days."

Amend sec. 45—defective ballots.

SECTION 4. Section 45, of the revised statutes, is hereby amended so as to read as follows: Section 45. If any of the ballots cast at any election are found to be so defective that the inspectors of election cannot determine with reasonable certainty for whom they were cast, they shall make a statement in writing, in duplicate, certified to be correct, and signed by them, of the contents of each of such ballots, and attach such statements to the statements of the canvass. Such defective ballots shall be enclosed in the same envelope with the other ballots cast at the election. No ballot shall be regarded as defective, however, by reason of the misspelling of a candidate's name, or by the abbreviation, addition, omission or the use of the wrong initial of a candidate's name; but every ballot shall be counted for the candidate for whom it was evidently intended, if the intention of the voter can be clearly ascertained from the ballot itself.

Duty of inspectors—what regarded as defective.

Repealed.

SECTION 5. All acts and parts of acts in so far as they conflict with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 356, A.] [Published April 24, 1889.]

CHAPTER 508.

AN ACT to amend chapter 187, laws of Wisconsin for the year 1885, relating to bridges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending ch. 187, laws 1885, limiting amount to be levied for bridge purposes—when order may be drawn.

SECTION 1. Chapter 187, laws of Wisconsin for the year 1885, relating to bridges, is hereby amended by adding thereto the following: Provided, however, that no more than two mills on the dollar of the equalized valuation of the property in any county shall be levied for the aforesaid purpose, and for all other county bridges shall be levied in any one year, and that no order shall be drawn on account of such levy, except upon the certificate of the county treasurer that the money produced by said levy has come to his hands to pay such order.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 164, A.] [Published April 26, 1889.]

CHAPTER 509.

AN ACT to amend chapter 175, of the laws of 1885, entitled, "An act to regulate the propelling of steam engines upon the highways of the towns of this state, and the liability for damages caused thereby."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 1 and 2, of chapter 175, of the laws of 1885, are hereby amended so that said chapter when amended, shall read as follows: Section 1. Any person or persons owning, pro-

pelling, causing to be propelled or hauling any steam engine upon any public highway in any town of this state, shall be liable for all damage that may arise or be caused to such highway, or any sluiceway, culvert or bridge thereon or to any person or persons or corporation by reason of the propelling, hauling or using any such engine upon any such highway, in the following cases: 1st. When such engine with its equipments, attachments or whatever it may be propelling upon the highway, shall weigh more than four tons, exclusive of team, if so propelled. 2nd. When any such engine shall be set or used for any purpose, excepting propelled along the highway within the limits of any such highway. 3rd. When any such engine shall be left unattended within the limits of any public highway. 4th. When the engine shall be standing or in motion upon such highway, and the person in charge shall not signal and stop such engine when approached within fifteen rods in either direction by any team of any kind or any person or persons riding or driving any animal and desiring to pass such engine, or when the person or persons in charge of such engine shall fail or refuse to render all proper assistance possible to enable such team or person or persons riding or driving any animal to pass such engine in safety.

Amending ch. 175, laws 1885—owners of steam road wagons or engines liable for damages to highway—when.

SECTION 2. The chairman of any town in which any damage shall be done to any highway, sluiceway or bridge by any such engine weighing over four tons with its equipments, attachments and whatsoever it may be propelling upon the highway, exclusive of team, being propelled over any such highway, shall have authority to commence an action against the owner of such engine or the person propelling or causing the same to be propelled, in the name and for the benefit of such town and such money when collected shall be paid into the treasury of such town and be used by such town for the repair of highways, sluiceways and bridges.

Chairman of town may commence action.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 320, A.] [Published May 2, 1889.]

CHAPTER 510.

AN ACT to amend chapter 67, of the revised statutes of Wisconsin, entitled, "of peddlers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending section 1570, R. S.

SECTION 1. Section 1570, of the revised statutes, as amended by chapter 100, of the laws of 1881, and chapter 218, laws of 1882, is hereby amended so as to read as follows: Section 1570. No person shall be allowed to travel from place to place within this state for the purpose of carrying to sell or exposing for sale, barter or exchange, at retail or to consumers, any goods, wares, merchandise, notions or other articles of trade whatsoever, whether by sample or otherwise, and whether said goods, wares, merchandise, notions or other articles of trade whatsoever, are delivered at time of sale or to be delivered at some future day unless he shall have obtained a license as a peddler as herein provided; but this chapter shall not prevent any manufacturer, mechanic, nurseryman or farmer from selling his work or production by himself or employe, or any patent right dealer from selling his own invention, or to prevent any person from selling or offering to sell at wholesale or to dealers only, any goods, wares, merchandise whatever, or to prevent any fish peddlers from selling fish, or train boys from selling to persons traveling on railroad trains, or to prevent any resident of this state, who by reason of being blind, deaf and dumb, or so crippled as to incapacitate him for hard manual labor, from selling goods, wares or merchandise on foot, or with one horse and wagon, without a license; provided that said section shall not be construed to require a dealer in agricultural machinery or farm implements or his employes to procure a license to sell such implements kept in stock by him; provided, that this section shall be intended to include among those required to obtain licenses as peddlers, all such persons as are transient mer-

Peddlers, who and who are not required to take out license as.

chants, traders or dealers; such persons as bring into any town, city or village in any manner goods, wares, merchandise, notions or other articles of trade, except such as are excepted in this section, for the purpose of selling the same in the manner provided in this section and who do not intend to become and do not become permanent merchants, traders or dealers in such town, city or village; permanent merchants, traders and dealers being here defined to be those who remain in any locality engaged in trade for a period of six months or more; or who pay taxes upon their goods, wares, merchandise or other articles of trade the same as other resident dealers.

Amending section 1571, R. S.

SECTION 2. Section 1571, of the revised statutes, is hereby amended so as to read as follows: Every person desiring to obtain a license as a peddler, or as a transient merchant, trader or dealer, as provided in section 1570, of the revised statutes, shall apply to the secretary of state, and shall deliver his application in writing, signed by such applicant, or his authorized agent, wherein he shall state how and in what manner he intends to travel and trade; whether on foot, or with one or more horses or other beasts of burden; whether he intends to sell by sample, taking orders for future delivery, or whether he intends to trade as a transient merchant, trader or dealer.

Application for license to be made in writing to secretary of state.

Amending section 1572, R. S.

SECTION 3. Section 1572, of the revised statutes, is hereby amended so as to read as follows: Section 1572. Every such applicant, before he shall be entitled to such license, shall pay into the state treasury the following license fees: If he intends to travel on foot, including railroads or other public conveyances, but carrying his goods, wares and merchandise with him, twenty dollars; if he intends to travel and carry his goods with a single horse or other beast carrying or drawing a burden, thirty dollars; if he intends to travel with a vehicle or carriage drawn with two or more horses or other animals, fifty dollars; if intending to deal as a transient merchant, trader or dealer, fifteen dollars; provided, that any such applicant taking license as such transient merchant, trader or dealer shall, in addition to the amount paid for such license, also pay to the treasurer of the town, city or village where he may sell or offer for sale any goods,

License fees to be paid by.

wares or merchandise, a sum not exceeding five dollars per day for each day that such person may be engaged in selling or disposing of any such goods, wares or merchandise, to be determined by ordinance or resolution of the town, city or village where he may engage in business aforesaid, which ordinance or resolution shall provide when and in what manner such per diem tax shall be paid.

Amending section 1576, R.S.

SECTION 4. Section 1576, as amended by chapter 100, laws of 1881, is hereby amended so as to read as follows: Section 1576. Every person who shall be found traveling or trading contrary to the provisions of chapter 67, of the revised statutes, or to the terms of any license that may have been granted to him thereunder, or shall, when licensed as a transient merchant, trader or dealer, neglect or refuse to pay the per diem tax authorized by section 1572, of the revised statutes, according to the ordinance or resolution of the town, city or village passing the same, shall for each offense forfeit not less than fifty nor more than one hundred dollars which the district attorney of the county in which the offense has been committed, shall in the name of the state sue for and cause to be collected, and when collected paid into the treasury of the state for the credit of the school fund. The court may order to be paid to the district attorney out of such fines, collected from the persons guilty of such offenses, a sum not exceeding fifteen per cent. and to the witnesses or other persons furnishing information of such offenses, a sum not exceeding ten per cent. of such fines collected; provided, that if any person shall engage in trade in any town, city or village, contrary to the provisions of chapter 67, of the revised statutes, respecting transient merchants, traders or dealers, nothing herein contained shall prevent such town, city or village from suing for and collecting the amount of per diem tax imposed upon such transient merchant, trader or dealer, as provided in said chapter 67, for the use of such town, city or village, according to the provisions of chapter 142, of the revised statutes, and in addition thereto, a penalty or forfeiture of an amount equal to such per diem tax, and upon the trial of such action the fact that such

person has not been engaged in trade in such town, city or village for the space of six months, or paid any tax upon his goods, wares and merchandise the same as other resident dealers have done, shall be prima facie evidence that such person is a transient merchant or dealer and liable to such per diem tax if not theretofore paid. Every person having a license under the provisions of chapter 67, who shall refuse to produce his license for examination when lawfully required by the treasury agent or any special treasury agent, or the authorized officer or agent of any town, city or village shall be deemed guilty of misdemeanor and be subject to a fine not exceeding twenty dollars or imprisonment in the county jail where the offense has been committed, not exceeding thirty days or both such fine and imprisonment as the court may deem proper.

Penalty for violation.

SECTION 5. Section 1583, as amended by chapter 194, laws of 1879, is amended so as to read as follows: Section 1583. Any person having a license from the secretary of state under the provisions of this chapter, as a peddler or transient merchant, trader or dealer, or as a patent-right dealer, shall be exempt from any further license from towns, villages or cities in the state during the continuance thereof, except as otherwise provided in this chapter, and except as provided in section 1584, "A" and 1584, "B."

Amending section 1583, R. S.

License from secretary of state, exempts from further except as provided in sections 1584a and 1584b, R. S., authorizing village authorities to license.

SECTION 6. All acts or parts of acts and provisions of law conflicting with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 788, A.] [Published April 24, 1889.]

CHAPTER 511.

AN ACT to provide fishways in each dam in Catfish river, in Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishways to be placed in dams in Catfish river, Dane county.

SECTION 1. It shall be the duty of all persons owning, occupying, or having charge of any dam now erected, or hereafter to be erected on and across Catfish river, in Dane county, Wisconsin, to construct in or upon such dam a good and sufficient fishway, under the supervision of such person or persons as may be appointed by the fish commissioners of the state of Wisconsin, and according to plans approved by said commissioners, and to keep such fishways in good repair and open for the free passage of fish up and down said river, from the first day of March until the first day of June, within six months after said owner or occupant or person having in charge such dam shall have been notified in writing by the said fish commissioners.

Penalty for neglect.

SECTION 2. Any person owning, occupying or having charge of any dam referred to in the foregoing section who shall refuse or neglect to construct, or keep in repair or keep open such fishways in accordance with the provisions of section 1, of this act, shall be liable to a fine of one hundred dollars and costs of suit; but no action at law shall be brought against the owner or owners of any dam in said county except upon the complaint and under the direction of the fish commissioners of the state.

Repeal.

SECTION 3. All acts and parts of acts, inconsistent or conflicting with this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 651, A.] [Published April 22, 1889.]

CHAPTER 512.

AN ACT for the better protection of life and property on highways intersected by railways in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Railroads to keep right of way clear of brush and snow or trees, for 20 rods each way at intersection of highway.

SECTION 1. It shall be the duty of every corporation owning or operating any railroad in this state, to keep their right of way clear of locust, brush or other kinds of brush or other kinds of brush or trees growing on the same, the distance of twenty rods each way on their right of way at the intersection of any public highway by such railway in this state; provided, however, that in timbered sections of country and the lands adjacent to such crossing of public highways by railways and not occupied and cleared, the said corporation shall not be liable under the provisions of this act, till the said adjacent lands be occupied or cleared, then this act to apply as stated herein. On the neglect or refusal of such railway corporation to comply with the provisions of this act, the town board of supervisors, by its chairman in the towns through which such railway corporations have right of way, shall make complaint and cause an action to be brought against such corporations in any justice court or municipal court in any county where such action may be necessary according to the provisions of this act. The penalty for neglect or refusal shall be one hundred dollars, one-half to be paid to said town prosecuting the same. And provided farther, that any person owning any land adjacent to such highway and railway the distance of twenty rods from such railway intersection of highway, shall, in like manner clear such land from brush and trim up to the height of ten feet from ground [any] trees thereon they may desire to leave for shade trees, and for neglect or refusal to comply with the provisions of this act an action to be commenced and

Penalty for neglect.

prosecuted as above provided and the penalty therefor enforced.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 940, A.] [Published April 24, 1889.]

CHAPTER 513.

AN ACT to provide for the expenses of the joint select committee appointed under joint resolution No. 12, A.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to William Foster and James Fielding, service on joint committee.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, one hundred thirty-three dollars and eighty cents to William Foster for services as stenographer at the sessions of the joint committee appointed under joint resolution No. 12, A, and twenty-one dollars seventy-five cents to James Fielding for services in serving subpœnas; also a sufficient sum of money to pay fees, and mileage to the several witnesses examined by said committee.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 857, A.] [Published April 24, 1889.]

CHAPTER 514.

AN ACT relating to the closing of a certain alley in the city of La Crosse, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that part of the alley extending east and west through block five of Esperson and Burns' addition to the city of La Crosse which lies between eleventh street and the east line of lot five, of said block, produced south across said alley, is hereby vacated; provided, that said portion of said alley so vacated shall be at all times accessible to the city of La Crosse, for the purpose of water distribution and sewerage.

Vacating alley between 11th street and lot 5, block 5, La Crosse.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 942, A.] [Published April 26, 1889.]

CHAPTER 515.

AN ACT providing for the publication of the reports of the State Historical society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 340, of the revised statutes of 1878, as amended by chapter 436, of the laws of 1887, is hereby amended so as to read as follows: Section 340. Three thousand copies of the collections of the State Historical society shall be printed by the state printer, not oftener than once in three years, commencing in the year 1889. Such collection shall be printed on the best quality of book paper, weighing not less than fifty pounds to the ream, and bound in cloth and properly let-

Amending section 340, R. S.

Publication of reports of State Historical Society.

tered, for the use of the society in effecting its literary exchanges. The matter for such publication shall be subject to the approval of the commissioners of public printing and the publication committee of the State Historical society; and no volume of such collection shall contain over five hundred pages of printed matter. There shall also be printed annually by the state printer, twelve hundred copies of the report of the annual meeting of the State Historical society, commencing in the year 1889. Such reports shall be printed on the same quality of paper as that on which the collections of said society are printed and bound in pamphlet form. There may also be printed, not oftener than once in three years, commencing in the year 1889, three thousand copies of the catalogue of the society's portrait gallery, on the same quality of paper as that on which the collections are printed and bound in pamphlet form. There may also be printed from time to time, in the discretion of the commissioners of public printing, such special class catalogues as may be deemed essential by the library committee of said society. Of each such special class catalogues there shall be printed twelve hundred copies on the same quality of paper as the collections and supplemental catalogues are printed and bound in pamphlet form.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 565, A.] [Published April 24, 1889.]

CHAPTER 516.

AN ACT to require railroad corporations to keep turn-tables locked when unattended and not in actual use and amendatory of section 1807, of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending section 1807, R. S.

SECTION 1. Section 1807, of the revised statutes of 1878, is hereby amended by adding thereto the

following: Every corporation operating any railroad in this state shall keep each and every turn-table belonging to or used by such corporation constantly and securely locked at all times except when such turn-table is in actual use or is attended by an employe of such corporation. And any corporation offending against the provisions of this section shall forfeit for each offense the sum of twenty-five dollars.

Railroad companies to keep turn tables locked except when in use.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 370, A.] [Published April 24, 1889.]

CHAPTER 517.

AN ACT to amend chapter 59, of the general laws of 1883, entitled. "an act to amend section 1079, of the revised statutes of 1878, entitled, "of the assessment of taxes, and relating to the tax roll."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 59, of the general laws of 1883, amending section 1079, of the revised statutes of 1878, is hereby amended by adding thereto the following: And provided, further, that in any town or village where the aggregate valuation of said tax roll amounts to one million dollars ($1,000,000) or more, the treasurer's collection fee to be entered opposite each tax valuation and added to the taxes, shall not exceed two per centum of such tax, so that said section, when so amended, shall read as follows: Section 1. Provided, in case the board of supervisors of any county shall so order, said town clerk shall calculate and carry out in separate items the several amounts of taxes as are to be levied uniformly upon all the taxable property of the town, in separate columns on such roll, the form of which may be prescribed by such county board; and provided, further, that in any town

Amending section 1079, R. S.

Treasurer's collection fee when valuation is $1,000,000 or more, how carried out.

or village where the aggregate valuation of said tax roll amounts to one million dollars ($1,000,000) or more, the treasurer's collection fee to be entered opposite each tax valuation, and added to the taxes, shall not exceed two per centum upon such tax.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 503, A.] [Published April 22, 1889.]

CHAPTER 518.

AN ACT concerning conditional sales of furniture or other household effects.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Conditional sales of furniture and household effects.

SECTION 1. All contracts for the sale of furniture or other household effects made on condition that the title to the property sold shall not pass until the price is paid in full, whether such contract be in the form of a lease or otherwise, shall be in writing, and a copy thereof shall be furnished the vendee by the vendor at the time of such sale; and all payments made by or in behalf of the vendee, and all charges whether in the nature of interest or otherwise as they accrue, shall be endorsed by the vendor or his agent upon such copy, if the vendee so requests. If the vendor fails to comply with any of the provisions of this section through negligence, his rights under such contract shall be suspended while such default continues; and if he refuses, or wilfully or fraudulently fails to comply with any of such provisions, he shall be deemed to have waived the conditions of such sale.

SECTION 2. The vendor, upon taking possession of such furniture or effects for non-compliance with the terms of such contract of sale, shall furnish the vendee or other person in charge of such furniture or effects an itemized statement of the

account showing the amount then due thereon, and the vendee shall have the right at any time within fifteen days after such taking to redeem the property so taken by paying to the vendor the full amount of the price then unpaid, together with the interest and all lawful charges and expenses due to the vendor; and the fifteen days hereinbefore provided during which the vendee shall have the right to redeem the furniture or household effects so taken, shall not begin to run until such statement is furnished; provided, the vendee or other person in charge can be found by the vendor by the exercise of reasonable care and diligence. No contract mentioned in this act shall be valid as against any other person than the parties thereto and those having notice thereof unless such contract shall be in writing subscribed by the parties thereto, and the same or a copy thereof shall be filed in the office of the clerk of the town, city, or village where the vendee resides or if he shall not be a resident of the state then in the office of the clerk of the town, city or village where the property may be at the time of making such contract, and such clerk shall file, keep and index the same in like manner as mortgages of personal property, and receive a like compensation therefor; but the effect of such filing shall not extend for more than one year after the time fixed for payment of the contract price or for the performance of the other conditions of such sale.

In case of forfeiture vendor to furnish statement of amount due to vendee; redemption; time when begins to run.

Contract to be filed in office of town, city or village clerk.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 841, A.] [Published April 27, 1889.]

CHAPTER 519.

AN ACT concerning the education and employment of children.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Every parent or other person having under his control a child between the ages of

Boards of education to fix time for attendance of children in schools for a period of twelve weeks, duty of parents.

seven and fourteen years, shall annually cause such child to attend some public or private day school in the city, town or district in which he resides, for a period not less than twelve weeks in each year, which number of weeks shall be fixed prior to the first day of September in each year, by the board of education or board of directors of the city, town or district, and for a portion or portions thereof, to be so fixed by such boards, the attendance shall be consecutive, and such boards shall, at least ten days prior to the beginning of such period, publish the time or times of attendance, in such manner as such boards shall direct; provided that such boards shall not fix such compulsory period at more than twenty-four weeks in each year.

Penalty for neglect by parents having control to comply.

SECTION 2. For every neglect of such duty the person having such control and so offending shall forfeit to the use of the public schools of such city, town or district a sum not less than three dollars ($3.00) nor more than twenty dollars ($20.00); and failure for each week or portion of a week on the part of any such person to comply with the provisions of this act, shall constitute a distinct offense; provided, that any such child shall be excused from attendance at school required by this act, by the board of education or school directors of the city, town or district in which such child resides upon its being shown to their satisfaction that the person so neglecting is not able to send such child to school, or that instruction has otherwise been given for a like period of time to such child in the elementary branches commonly taught in the public schools, or that such child has already acquired such elementary branches of learning, or that his physical or mental condition is such as to render attendance inexpedient or impracticable, and in all cases where such child shall be so excused the penalty herein provided shall not be incurred.

Penalty for making false statement concerning age of child for purpose of evading.

SECTION 3. Any person having control of a child who, with intent to evade the provisions of this act, shall make a wilful false statement concerning the age of such child or the time such child has attended school, shall, for such offense, forfeit a sum of not less than three dollars ($3) nor more than twenty dollars ($20) for the use of the public schools of such city, town or district.

SECTION 4. Five days prior to the beginning of any prosecution under this act such board shall cause a written notice to be personally served upon such person having control of any such child, of his duty under this act, and of his default in failing to comply with the provisions hereof, and if, upon the hearing of such prosecution, it shall appear to the satisfaction of the court that before or after the receipt of such notice such person has caused such child to attend a school as provided in this act in good faith and with intend to continue such attendance, then the penalty provided by this act shall not be incurred.

Board to serve notice on person failing.

SECTION 5. No school shall be regarded as a school, under this act, unless there shall be taught therein, as part of the elementary education of children, reading, writing, arithmetic and United States history, in the English language.

What regarded as a school.

SECTION 6. Prosecutions under this act shall only be instituted and carried on by the authority of such boards, and shall be brought in the name of said boards, and all fines and penalties, when collected, shall be paid to the school treasurer of such city, town or district, or other officer entitled to receive school moneys, the same to be held and accounted for as other school moneys received for school purposes.

Prosecutions, how instituted and carried on.

SECTION 7. Jurisdiction to enforce the penalties herein described in this act is hereby conferred on justices of the peace and police magistrates within their respective counties.

Justices of peace and police magistrates to have jurisdiction.

SECTION 8. Any child between the age of nine and fourteen years, who, without leave and against the will of his parent, guardian or other person having the right to control such child, habitually absents himself from the school to which he is sent or directed to be sent, and is beyond the control of his parent or guardian or other person having the right to control such child in that regard, and wanders or loiters in streets, alleys or other public places, shall be deemed a truant child, and on such truancy being alleged and proved, such truant child shall be adjudged a dependent child in like manner as is now provided by law for the adjudication of dependent children, and on being so adjudged dependent may be committed in like manner for such time not exceeding two years,

Truant children may be committed as are dependent.

as the judge or court having the jurisdiction of the matter may determine. Any child so committed may, upon proof of amendment, or for after sufficient cause shown upon a hearing of the case be discharged by such judge or court at any time, but such child shall not be so confined after the age of fourteen years, nor shall he be bound or apprenticed nor placed out of any school to which he shall be committed. Officers appointed by the board of education or board of school directors shall have power and authority to take a truant child found on the streets, alleys or other public places during school hours to such school conveniently located to the home of such child, as may be designated and requested by such parent, guardian or other person having the right to control such child, and such officer shall ascertain from such parent, guardian or other person having the right to control such child, the school which he desires such child shall attend; or in case of refusal to designate and request, by the parent, guardian, or other person having the right to control such child; or in case such child has no parent, guardian or other person in control, then to the public school situated in the district where such child lives, or to such public school as such board may direct.

Officers may take children found loitering on streets, etc., in school hours and compel their attendance at school.

SECTION 9. No child under thirteen years of age shall be employed or allowed to work by any person, company, firm or corporation at labor or service in any shop, factory, mine, store, place of manufacture, business or amusement except as hereinafter provided.

Children under 13 years not to be employed or allowed to work in factory except, etc., when permit may be granted by county court.

SECTION 10. The judge of the county court in the county where the child resides and is to be employed or to work, may, by order of record, grant a permit to any child over ten years to be exempt and in such county from the operation of this act as to such employment, and to such extent, and for such time and on such terms as may be named in such permit, on its being shown to his satisfaction that such child can read and write the English language and that it is fit and proper considering the lack of means of support of the family of which such child is a member, that such permit should be granted, and such permit may be rescinded by any such judge on written notice to such child, or to any person hav-

Permit, what to state, record of.

ing control of or employing such child. Such permit must state the age, place of residence and the amount of school attendance prior to the granting of such permit. A record of such permits to be kept in such court. The court may, when the business of the court requires, appoint a suitable person to hear and report on all applications for the issuance and revision of permits, and may, on hearing such report, grant or refuse such application. Such person to be paid a reasonable compensation by the county, to be fixed by the county board. Such person shall be an officer of the court, and removable by an order of court at any time. No charge or fee shall be required in any matter under this section.

Person may be appointed to act on permits.

SECTION 11. No child shall be so employed or work who does not present such permit and every person before employing or permitting such child to so labor, or be at service shall require and retain such permit, and shall keep the same together with a correct list of all children so employed posted in a conspicuous manner in the place of employment, and shall show such list on demand, to any school officer or teacher or police officer.

Not to employ children not having permit, employer to retain permit, etc.

SECTION 12. Any person, company, or corporation who employs or permits to be employed or to work any child in violation of this act, and any person having the control of any such child who permits such employment or work, shall, for every offense forfeit a sum of not less than ten dollars ($10), nor more than fifty dollars ($50), for the use of the public schools of such city, town or district, and every day of such illegal employment shall constitute a distinct offense.

Penalty.

SECTION 13. Any person having control of or in his employ a child who, with intent to evade the provisions of this act, shall make a false statement concerning the age of such child or the time such child has attended school or shall instruct such child to make any false statement, shall, for such offense forfeit a sum of not less than ten dollars ($10) nor more than fifty dollars ($50), for the use of the public schools of such city, town or district.

For making false statement

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 410, S.] [Published April 26, 1889.]

CHAPTER 520.

AN ACT in relation to the department of insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Expenses of commissioner of insurance in prosecuting violations.

SECTION 1. All necessary expenses incurred by the commissioner of insurance in prosecuting violations of the insurance laws of this state, and representing the state at the annual meeting of the national convention of the insurance commissioners of the United States, shall be paid out of the general fund. The said commissioner of insurance shall certify to the secretary of state that the expenses incurred were actually necessary in the discharge of his duty. Whereupon it shall be the duty of the secretary of state to draw his warrant upon the state treasurer for the same.

Secretary of state to draw warrant, when.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 214, S.] [Published April 24, 1889.]

CHAPTER 521.

AN ACT to enable the qualified voters of any town, village or city within this state to determine by ballot whether any spirituous, malt or intoxicating liquors or drink shall be sold therein as a beverage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Local option, when question may be submitted to vote.

SECTION 1. Whenever any number of the qualified electors of any town, village or city within this state, equal to or more than ten per cent. of the number of votes cast at the last general

election in said town, village or city, for governor, shall present to the clerk of said town, village, or city, a petition in writing, by them signed, praying that the electors of said town, village or city may have submitted to them the question whether or not any person shall be licensed to deal or traffic in any spirituous, malt or intoxicating liquors or drinks as a beverage, it shall be the duty of such clerk forthwith to make an order providing that such questions shall be submitted to the voters of such town, village or city, as the case may be, on the first Tuesday of April next succeeding the date of said order. Notice of which election shall be given in the manner and as provided for holding judicial elections; provided, that the result as determined by such election shall remain in force until another election is held, according to the provisions of this act.

Notice of.

SECTION 2. The ballots which shall be polled upon the questions submitted according to the first section of this act, shall be deposited in a separate ballot box provided for that purpose in each election precinct or voting district in said town, village or city, and shall contain the words, "for license," or "against license." If a majority of the votes cast at such election upon the question submitted be against license, then it shall be unlawful for any person to vend, sell, deal or traffic in any spirituous, malt or intoxicating liquors or drinks in any quantity whatever, in said town, village or city so voting "against license," and no license for such sale shall be granted or issued therein. And any license granted or issued contrary to the provisions of this section or of this act, shall be void and of no effect.

Ballots, form of.

SECTION 3. If a majority of the votes cast at such election upon the question submitted in any town, village or city be "for license," then it shall be lawful for the board of supervisors of such town, the village trustees or board of such village and the mayor of such city (subject to confirmation by the common council or board of aldermen thereof), to grant license as provided in chapter 66, of the revised statutes, and chapter 296, laws of 1885; and provided, that no license shall be granted by any excise board of this state to any person who is the owner or keeper, directly or

When license granted.

indirectly, of a house of ill-fame or house of prostitution.

Election and canvass of votes.

SECTION 4. The election on the questions submitted under section 1, of this act, shall be held, the votes canvassed by the proper canvassing board of said town, village or city, in accordance with the law governing general elections in this state; the results of such election shall be duly certified by the canvassers immediately upon the determination thereof, and entered upon the books of such town, village or city as required by law.

Penalty for selling liquor without license etc.

SECTION 5. If any person shall, on or after the first Tuesday in May following the holding of an election under the provisions of this act, vend, sell, deal or traffic in, or for the purpose of evading any law of this state, give away any spirituous, malt, ardent or intoxicating liquors or drink in any quantity whatever, in any town, village or city of this state, wherein a majority of the votes cast at such election shall have been against license, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished therefor by a fine of not less than fifty dollars, nor more than one hundred dollars, besides the costs of suit; or in lieu of such fine, by imprisonment in the county jail of the proper county, not to exceed six months, nor less than three months, and in case of punishment by fine as above provided, such person shall, unless the fine and cost be paid forthwith, be committed to the county jail of the proper county, until such fine and costs are paid, or until discharged by due course of law; and in case of a second or subsequent conviction of the same person during any year, the punishment shall be by both fine and imprisonment.

Not to effect sales by registered pharmacist.

SECTION 6. Nothing in this act shall be construed as affecting the sale of strong, spirituous and ardent liquors for medicinal, mechanical or scientific purposes only, by registered pharmacists, as provided under section 2, of chapter 296, of the laws of Wisconsin of 1885, as amended by chapter 404, of the laws of 1887.

SECTION 7. All acts and parts of acts controverting the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 247, S.] [Published April 24, 1889.]

CHAPTER 522.

AN ACT to amend chapter 408, laws of 1885, entitled, "An act to prescribe the number and duties of the legislative employes, and the compensation of the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The officers of the senate, other than the president, ex-officio and the president pro tempore, shall be one chief clerk, one assistant chief clerk, one assistant clerk, one book-keeper, one proof-reader, one engrossing clerk, one enrolling clerk, one transcribing clerk, one index clerk, one custodian of engrossing room, one sergeant-at-arms, one assistant sergeant-at-arms, one postmaster, one assistant postmaster, four door-keepers, one gallery attendant, who shall also act as committeeroom attendant, one document room attendant, one document clerk, two committee room attendants, one janitor, one porter, one night watchman and ten messengers. The officers of the assembly, aside from the speaker, shall be one chief clerk, two assistant clerks, one book-keeper, one assistant book-keeper, one stationery clerk, one proof-reader, one transcribing clerk, one index clerk, one engrossing clerk, one enrolling clerk, one custodian of the engrossing room, one sergeant-at-arms, one assistant sergeant-at-arms, one postmaster, one assistant postmaster, four doorkeepers, two gallery attendants, who shall also serve as committee room attendants, one general attendant for the assembly chamber, who shall act as policeman, one document room attendant, one document room clerk, two committee room attendants, one porter, one night watchman, one flagman, one washroom attendant, twelve messengers. The chief clerks of the senate and assembly may discharge any of their force above named for cause or from the cessation of the work which made their employment necessary, and upon extraordinary occasions there may be employed, in addition to

Legislative employes, senate.

Assembly.

Chief clerks may discharge, when.

When may employ extra clerks.

those named, not to exceed six general clerks. After the legislature has been in session thirty days, they may also appoint an assistant index clerk, an assistant enrolling clerk, an assistant engrossing clerk, two assistant transcribing clerks and four comparing clerks, one custodian of the enrolling room, who shall also act as attendant for other rooms in charge of the chief clerks. The chief clerks may employ such copyists as the proper and expeditious transaction of the business of his house may require. The joint committee on claims, and the committees on judiciary of the senate and assembly shall have power, each to employ a clerk at such time in the session as they may deem necessary, and the committees on charitable and penal institutions, incorporations, enrolled and engrossed bills, and committee on bills on their third reading in the assembly, shall have authority to employ clerks after the legislature has been in session thirty days. The sergeants at arms of the senate and assembly may discharge any of their force above mentioned for cause.

Additional clerks may be employed after legislature has been in session 30 days.

Copyists.

Clerks of committees.

Sergeant-at-arms, power.

Salary and per diem.

SECTION 2. The chief clerks shall receive a salary of eight hundred dollars each, for every regular session, and ten dollars per diem for each special session, and fifty dollars for opening each session, which shall be in full for all services rendered. The other officers and employes of the senate and assembly shall receive pay per diem as follows: The sergeant-at-arms, the assistant clerks, bookkeepers and assistant bookkeeper five dollars each; the proof-readers, engrossing, enrolling, transcribing and index clerks, the clerk of the joint committee on claims, and the clerks of the judiciary committee of each house, the assistant sergeant-at-arms and the postmaster and document room attendant four dollars each; the messengers two dollars each; all other committee clerks three dollars and fifty cents each, and all other clerks and employes three dollars each. The copyist shall be paid one dollar per day from the date of their employment, and fifteen cents per folio for enrolling and ten cents per folio for engrossing; the term "folio" meaning one hundred words "full count," and only upon accepted work. Every clerk or employe on the chief clerk's or sergeant-at-arms' force shall assist

Copyists.

when required at any other work in the department than that to which he is regularly assigned, when the good of the service can be promoted thereby. No per diem shall be allowed after the close of the session, except for two days to the transcribing and index clerks, each, whose duty it shall be within that time to satisfactorily and fully complete the indexing and transcribing of the journal, and in case such work is not so completed, a sufficient sum shall be reserved from the pay of the clerk who may make the default, to insure the completion of his work. The chief clerk and sergeant-at-arms of each house shall certify to the secretary of state the names of all persons employed in their respective departments, the capacity employed in, and the amounts respectively due them, which certificate shall be certified to by the presiding officer of the house in which they are employed. Upon such certificates the accounts of the person named therein shall be audited and paid out of the state treasury. At the close of each session of the legislature, the secretary of state shall publish in the official state paper a full list of the accounts so audited.

To assist at other work when necessary

Chief clerks to certify names, etc., to secretary of state.

List of accounts audited to be published at close of session.

SECTION 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Repealed.

SECTION 4. This act shall take effect and be in force from and after the first day of May, 1889.

Approved April 18, 1889.

[No. 213, S.] [Published April 25, 1889.]

CHAPTER 523.

AN ACT relating to banks and banking.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2023, of the revised statutes, of the state of Wisconsin, is hereby amended so as to read as follows: Every person, association of persons and corporations engaged in the busi-

Amending sec. 2023, R. S.

ness of banking, buying and selling exchange and receiving deposits, except corporations organized under the state or national banking law, shall report semi annually in writing to the state treasurer. Such reports shall contain the total amount due depositors, the amount of funds on hand, the names of the persons interested in or carrying on the business, the total amount of capital stock in said business, and such other items as far as practicable as bankers under the state banking law are required to report, and shall be verified by the affidavit of such persons or some member of such association or corporation.

Banks and banking.

SECTION 2. Any person, persons, association or corporation, who shall use the words, bank, banking or banking house, upon any sign, advertisement or designation of any place of business in this state, or upon any posters, bill-heads, drafts, checks, notes or bills of exchange, or on any form of commercial paper as a business title, sign, notice or designation, shall be deemed and considered a private bank within the meaning of the laws of this state, and shall make report to the state treasurer at the same time and in the same manner as required of state banks.

Reports to be made semi-annually to state treasurer.

SECTION 3. Any bank, corporation, association, person or persons engaged in banking business within the purview of the laws of this state, who shall fail to make to the state treasurer the semi-annual report required by law, at the time and in the manner provided by law, shall forfeit the sum of one thousand dollars, to be paid into the common school fund of the state of Wisconsin.

Private banks, who considered —report.

Penalty for neglect.

Treasurer to notify attorney general of neglect.

Duty of attorney general.

SECTION 4. If any bank, corporation, association, person or persons so required to make report to the state treasurer as provided by law, shall for the space of thirty days after the same is by law required to be filed, neglect to file said report, the state treasurer shall at once notify the attorney-general of such neglect, and thereupon it shall be the duty of the attorney-general, in the name of the state of Wisconsin, to bring suit against such bank, corporation, association, person or persons so failing to report, for the amount of the penalty prescribed in section 3, of this act.

SECTION 5. The state treasurer is hereby directed and required to publish in one public

newspaper of general circulation in the county in which such bank, corporation, association, person or persons are doing business, a statement of the financial condition as appears from such report or reports, of said bank, corporation, association, person or persons doing a banking business in said county. If any bank, corporation, association, person or persons doing a banking business within the purview of the laws of the state of Wisconsin, shall refuse or neglect to make such report or reports to the state treasurer as herein provided, the state treasurer shall cause to be published in a newspaper of general circulation in the county in which said bank, corporation, association, person or persons are doing a banking business, a notice of the neglect or refusal of such bank, corporation, association, person or persons to make such report or reports of the financial condition of their business. The expense of publishing all notices required to be published under this act shall be paid out of the general fund of the treasury of the state of Wisconsin upon accounts audited and warrants issued by the secretary of state.

Treasurer to publish statement, also notice of neglect to file.

Expense of publication to be paid out of general fund.

SECTION 6. Chapter 152, laws of Wisconsin for year A. D. 1885, is hereby repealed.

Repeal of ch. 152, laws 1885.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.

[No. 263, S.] [Published April 27, 1889.]

CHAPTER 524.

AN ACT to authorize the formation of druggist mutual insurance corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any number of persons not less than nine, residents of this state, now engaged in the business of selling drugs or druggists' materials, and owning in the aggregate property within this

Druggists' Mutual Insurance Corporations, formation of.

state of the value of not less than one hundred thousand dollars, may, in the manner prescribed in section 1897, of the revised statutes, and as herein prescribed, form a corporation for the purpose of insurance upon the plan of mutual insurance of drug stocks and other stocks and the buildings in which the same are contained from loss or damage by fire or lightning. The first nine persons signing the articles of organization shall be directors of the corporation until the first annual meeting. The articles of association having been filed with the commissioner of insurance with proof of publication of notice, and proof that policies in the requisite number have been applied for, shall be examined by the attorney-general, and if found in conformity with the law, the commissioner shall issue his certificate that such corporation is duly organized and is entitled to do business under the laws of this state.

Articles, etc., to be examined by Attorney General.

Certificate, when to issue.

Powers

SECTION 2. Every such corporation in addition to the powers granted by chapter 85, of the revised statutes and acts amendatory thereof, shall have power:

Stocks and buildings.

First. To make contracts of insurance within this state and elsewhere, with any person or persons engaged in the manufacture or sale of drugs, or dealing in drug stock, upon such stock and buildings in which the same are manufactured, stored or kept for sale, against loss and damage by fire and lightning, for such premiums or consideration, and under such regulations or restrictions as such corporation by its by-laws may provide.

Purchase, receive and hold necessary real estate, etc.

Second. To purchase, receive, hold, possess and convey all such real estate and personal property as shall be necessary for its accommodation and the convenient transaction of its business, or in the cases when a general fire insurance corporation may take and hold the same.

May invest funds in securities.

Third. When required by law to keep on hand money or other securities, in addition to the obligations signed by the members, may invest such money in first mortgages on improved real estate within this state.

Prescribe form of admission.

Fourth. To prescribe the manner and form for the admission of members and withdrawal of the same.

Fifth. To make all necessary rules and regula-

tions concerning insurance on property and the appraisement and payment of losses, and alter and amend the same at pleasure, subject to the restrictions hereinafter prescribed. Make necessarry rules, etc.

Sixth. To fix the compensation of its officers, and their duties and obligations, and to require bonds for the faithful performance of such duties. Fix compensation of officers.

Seventh. To exercise such other powers as shall be necessary to effect the objects of such corporation. Other powers.

SECTION 3. Such corporation, when duly organized, and on receiving the certificate of the commissioner of insurance, may issue policies of insurance on druggists' and other stocks, and on the buildings in which the same are contained, for any time not exceeding five years, and not extending beyond the time such corporation is to continue, and for an amount not exceeding five thousand dollars on any one risk. Any such corporation may classify the property insured, at the time of insuring the same, under different rates, corresponding as nearly as may be to the greater or less risk from fire or loss which may attach to the property insured; but no policy shall be issued by such corporation until not less than one hundred thousand dollars of insurance, in not less than one hundred separate risks, have been subscribed and a premium thereon for one year paid, in cash aggregating not less than five thousand dollars. All persons and corporations so subscribing shall agree in writing to assume a liability to be named in the policy of insurance. Such liability shall not be less than three nor more than five annual premiums and shall be subject to a call by the board of directors for the payment of the losses and expenses of such company during the time for which their respective policies shall continue in force; and the same liability shall also be agreed to by each subsequent applicant for insurance. All corporations organized under this act may thereafter charge and collect in advance upon their policies a full annual premium in cash. All such corporations shall in their by-laws and policies of insurance, fix by uniform rule the contingent mutual liability of its members for the payment of the losses and expenses, and such contingent liability shall not be less than three nor more

May issue policies; amount.

May classify property, make rates, etc.

When policies may issue.

Liability of members.

May collect premiums.

than five annual premiums as written in the policy. Such liability shall cease with the expiration of the time for which a cash premium has been paid in advance, except for liability incurred during such term.

Reserve fund.

SECTION 4. Companies organized under the provisions of this act, may provide for the accumulation of a permanent reserve fund, by reserving a portion of the net profits to be invested and be reserved for the security of the insured; such reservation shall not exceed twenty-five per cent. of said net profits, and when the sum so accumulated amounts to two per cent. of the sum secured by all the policies in force, the whole of the net profits thereafter shall be divided among the insured at the expiration of their policies. The permanent fund so accumulated shall be used for the payment of losses and expenses whenever the cash funds of the company in excess of the amount equal to its liabilities are exhausted. And whenever the said fund is drawn upon the reservation of profits as aforesaid shall be renewed and continued until the limit of accumulation as herein provided is reached; and within a reasonable time after the determination of any policy, the owner thereof shall be entitled to receive and shall be paid his pro rata share of all net profits not included in the aforesaid permanent fund.

Who members; liability.

SECTION 5. Every person who becomes insured in any company organized under the provisions of this act, and his heirs, executors, administrators and assigns, shall thereby become members of such company during the period of the insurance, and shall be bound to pay for losses and such necessary expenses as accrue in and to the company in proportion to the original amount of his contingent liability; and the directors of such company shall as often as they may deem necessary, settle and determine the sum to be paid by the several members thereof, and publish the same in such manner as they may deem reasonable or as the by-laws prescribe; and the sum to be paid by each member shall always be in proportion to the original amount of such liability, and shall be due and payable within thirty days next after the publication of such notice; provided, that whenever such company is not possessed of

cash funds above its re-insurance reserved sufficient for the payment of incurred losses and expenses, it shall be deemed to have impaired its capital, and when such impairment shall exceed fifty per cent. of the re-insurance reserve, required to be maintained, it shall make an assessment for the amount needed to pay such losses and expenses, upon its members liable to assessments therefor in proportion to their several liabilities, to make good the re-insurance reserve; but no member shall be assessed for liabilities incurred prior to his becoming a member.

Assessment.

SECTION 6. If any member neglects or refuses for the space of thirty days after the publication of notice and demand for payment, to pay the sum assessed upon him, or his proportion of any loss and expenses as aforesaid, the directors may sue for and recover the whole amount of the contingent liability, with costs of suit; but execution shall issue only for assessments and costs as they accrue; and every such execution shall be accompanied with a list of losses for which the assessment is made, and if the whole amount of such liability be insufficient to pay the loss occasioned by any fire or fires, the sufferers insured by the company shall receive towards making good their respective losses a proportionate share of the whole amount of such liability, according to the sums by them respectively insured; but no member shall be required to pay for any such assessment or assessments made to meet losses and expenses, more than the whole amount of such contingent liability mentioned in his policy of insurance.

Directors may sue for and recover assessment, etc.

SECTION 7. In actions for the recovery of assessments duly levied by the directors of any mutual insurance company of this state or for money due on the liability of the members of any such company, the official statement of the president or secretary of such company, under seal and sworn to, shall be received in court as evidence of the facts essential for making the same; and that such assessment for the non-payment of which any such action is commenced, has been duly levied and notice thereof given.

Official statement of president and secretary, as to liability of members, when received.

SECTION 8. If at any time after any corporation shall have been organized and begun business under the provisions of this act, the number of

When to wind up business.

policies in force shall become less than fifty of one thousand dollars or more each, the secretary shall at once notify the commissioner of insurance, and said corporation shall wind up its business in the manner provided by law. And such corporation may be proceeded against and dissolved as provided by law as in cases of other insurance corporations.

Withdrawal of members.

SECTION 9. Any member of any such corporation may withdraw thereform by giving notice in writing to the secretary, and paying up his dues and his ratable share of all losses or damages by fire or lightning suffered by the corporation up to the date of his withdrawal. The officers of any such corporation shall have power to annul any policy by giving notice in writing to that effect to the holder thereof, and paying him any sums which may be due from the corporation to such member.

Report to be made to commissioner of insurance.

SECTION 10. The president or vice-president and secretary of each of such corporations shall annually, within the month of January, prepare and file in the office of the commissioner of insurance a statement, verified by their oath, of the business done by the corporation during the year ending on the thirty-first day of December next preceding; such statement to contain such items and facts in regard to the business and condition of such corporation as the commissioner may require.

Millers' and Manufacturer's Mutual Insurance Companies may avail themselves of sec. 3; when.

SECTION 11. Any company organized and doing business under the law for the organization of millers and manufacturers' mutual insurance companies, may avail themselves of the benefits of section 3, of this act by filing with the commissioner of insurance a declaration of such intention signed by the president and secretary of any such company, and thereafter may insert in all mutual policies issued the contingent liability as provided in section 3, and shall fix the amount of the same in their by-laws and may issue their policies without taking from the assured a premium note or obligation.

SECTION 12. This act shall take effect from and after its passage and publication.

Approved April 15, 1889.

[No. 182, S.] [Published April 25, 1889.]

CHAPTER 525.

AN ACT regulating building and loan associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Foreign building and loan associations, when may do business; deposit to be made by.

SECTION 1. No foreign building and loan association of any kind, and no foreign association or corporation representing itself to be a "building and loan association," or doing business on the building society plan, and no association or corporation organized under the laws of any other state or territory and doing business in the manner provided for "mutual loan and building corporation" by chapter 93, of the revised statutes of this state, or upon any similar installment plan, shall issue its shares, receive moneys or transact any business in this state unless such association shall have and keep on deposit with the state treasurer of Wisconsin, in trust, for the benefit and security of all its members in this state, the securities of the actual cash value of one hundred thousand dollars of the kind mentioned in section 2, of this act; to be approved and accepted by said state treasurer, and held in trust as aforesaid, until all shares of such association held by residents of this state shall have been fully redeemed and paid off by such association, and until its contracts and obligations to persons and members residing in this state shall have been fully performed and discharged, and such deposit of securities shall be examined annually by the state treasurer, and if approved by him after such examination, he shall renew his certificate for such deposit, and thereupon the commissioner of insurance may renew his certificate of authority to said association as hereinafter provided.

Securities to be deposited by, what to consist of.

SECTION 2. The securities to be deposited as mentioned in section 1, of this act, may consist of bonds or treasury notes of the United States, or national bank stock, or bonds of this state or any other state of the United States, or any city, town, or county of this state or any other

state of the United States having legal authority to issue the same, or of personal obligations of members of the association depositing the same, taken in the ordinary course of business of such association, and secured by first mortgages or real estate worth, at least, double the amount of money advanced to such members thereon, exclusive of premiums. All dividends and interest which may accrue on securities held by the state treasurer, as provided for herein, and all dues or monthly payments which become payable on stock pledged as security for loans, the mortgages for which are on deposit with the state treasurer, in accordance with the provisions of this act, may be collected and retained by the association depositing such securities or mortgages, so long as such association remains solvent and faithfully performs all contracts with its members. Any securities on deposit as provided herein, may from time to time be withdrawn if others of equal value and of the character named in this section are substituted therefor. If any securities on deposit, as provided in this act, are wholly or partially extinguished by payments on the same or otherwise, or such securities depreciate in value for any cause, new securities must be added, so that the deposit may at all times be kept good and of the value of one hundred thousand dollars.

Dividends, etc., accruing on securities to be collected and retained by association.

New securities, when to be added.

SECTION 3. No building and loan association organized under the laws of any other state, territory or nation, shall do business in this state without having first paid the fees prescribed in this act, and obtained from the state treasurer of Wisconsin a certificate for the deposit so made as required by the foregoing provisions, and from the commissioner of insurance of this state a certificate of authority or license, authorizing said association to do business in Wisconsin, stating that such association has complied with all the provisions of this chapter, and such certificate shall be in force one year unless sooner revoked and shall be renewed from year to year, and unless so renewed and continued in force, such association shall not do business in this state, and the state treasurer and commissioner may revoke such license whenever the deposit of sureties shall not be kept good and of the value of one hundred

Fees to be paid by association.

License, commissioner of insurance to issue for one year; revocation of.

thousand dollars as provided in section 2, of this act.

SECTION 4. Every building and loan association organized under the laws of any other state, territory or nation shall, before commencing to do business in this state:

First. File with the secretary of this state a duly authenticated copy of its charter or articles of incorporation.

Articles to be filed with secretary of state.

Second. File with the state treasurer of this state the certificate of some financial officer of another state, or the president and secretary of some responsible trust company, in trust for all the members of such building and loan association.

Certificate to be filed with state treasurer.

Third. File with the secretary of this state a duly authenticated copy of a resolution adopted by the board of directors of such association, stipulating and agreeing that if any legal process affecting such association be served on said secretary of state, and a copy thereof be mailed, postage prepaid, by the party procuring the issue of the same, or his attorney, to said association addressed to its home office, then such service and mailing of such process shall have the same effect as personal service on said association in this state.

File with secretary of state authenticated copy of resolution agreeing that process may be served on secretary of state.

Fourth. Pay to the secretary of state twenty-five dollars for filing the papers mentioned in this section.

Fee for filing.

SECTION 5. When process against or affecting any foreign building and loan association is served on the secretary of state the same shall be by duplicate copies, one of which shall be filed in the office of said secretary of state and the other by him immediately mailed, postage prepaid, to the home office of said association.

Process, how served on secretary of state; duty of secretary.

SECTION 6. The word "process' in this act shall include any writ, declaration, summons or order whereby an action, writ or proceeding shall be commenced, or which be issued in or upon any action, suit or proceeding authorized by law in this state.

Process, what to include.

SECTION 7. Service of process according to a stipulation provided in section 4, of this act shall be sufficient personal service on the association filing such stipulation.

Service of process, when sufficient.

SECTION 8. When by the laws of any other state, territory, or nation any taxes, fines, penalties, licenses, fees, deposits, or money or securities

Laws of other states, etc., imposing obligations (taxes, etc.) on associations, when to be imposed upon associations of such state, etc., doing business here.

or other obligations or prohibitions are imposed on building and loan associations of this state doing business in such other state, territory, or nation, or upon their agents therein, so long as such laws continue in force, the same obligations and prohibitions of whatever kind, shall be imposed upon all building and loan associations of such other territory or nation doing business in this state and upon their agent here.

What included as "building and loan associations."

SECTION 9. The name "building and loan association" as used in this act shall include all corporations, societies, or organization or association doing a savings and loan or investment business, on the building society plan, whether mutual or otherwise, and whether issuing certificates of stock which matures at a time fixed in advance or not.

Penalty for soliciting subscriptions to stock before association is authorized to do business.

SECTION 10. Any officer, director, or agent of any foreign building and loan association, who shall in this state solicit subscriptions to the stock of such association, or who shall sell or issue, or knowingly cause to be sold or issued, to a resident of this state, any stock of such association, while said association has not on deposit as required by section 3, of this act, securities of the value of one hundred thousand dollars, or before said association has complied with all the provisions of this act, shall be guilty or a misdemeanor and upon conviction thereof shall be punished by a fine not less than one hundred dollars or more than five hundred dollars or by fine and imprisonment of not less than ten days or more than six months, or both such fine and imprisonment in the discretion of the court.

Penalty for selling without license.

SECTION 11. Any officer, director or agent of any building and loan association incorporated under the laws of any other state, territory or nation, who shall sell, issue, or knowingly cause to be sold or issued to any person in this state, any shares or stock of such association, or solicit any business for the same in this state while said association does not have in force a certificate of authority or license from the commissioner of insurance of this state authorizing such association to do business in Wisconsin, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment of not less than ten days or

more than six months, or both such fine and imprisonment, in the discretion of the court.

SECTION 12. No fines or any premium offered or paid to secure preference or priority in making loans in any mutual building and loan association, shall be deemed usurious, and the same may be collected as debts of like amount are now collected by law in this state.

Fines and premiums offered to secure loans not usurious.

REPORTS.

SECTION 13. The president or vice-president and secretary of each building and loan association, doing business in this state, shall annually, at the close of their respective fiscal year prepare and deposit in the office of the commissioner of insurance, a statement verified by their oath of the business of the association during the year, exhibiting the following items:

Report of officers to be filed with commissioner of insurance.

What to contain.

First. The amount of capital stock of the association in good standing, stating the amount subscribed during the preceding year.

Second. The amount of stock which has lapsed or been forfeited.

Third. The property or assets of the association specifying:

1. The value of the real estate held by such association.

2. The amount of cash on hand in such association's office and, also, the amount deposited in bank to credit of such association, specifying in what bank or banks the same is deposited.

3. The amount of loans secured by bonds or mortgages constituting first lien on real estate on which all interest is paid.

4. The amount of loans on which the interest shall be in arrears.

5. The amount due the association on which judgments have been obtained.

6. The amount of interest actually due and unpaid.

7. Any other property, rights, or credits of which the association may be possessed.

8. The amount derived from fines, forfeitures, lapses, or otherwise.

Fourth. The liabilities of such association specifying:

1. The value of the shares which shall consist

of a statement of all monthly dues paid thereon, together with accumulated profits showing the amount of each.

2. Losses arising from foreclosure of mortgages or otherwise.

3. The amount of money borrowed and security given for the payment thereof.

4. The amount of all other existing claims against the association.

Fifth. The income of the association during the preceding year, specifying:

1. The amount of monthly instalments received.

2. The amount of interest money received.

3. The amount of income derived from other sources.

Sixth. The expenditures during the preceding year, specifying:

1. The amount paid officers' salaries.

2. The amount paid agents.

3. The amount paid for office expenses and rent.

Other items may be required by commissioner.

Seventh. Any other items which the commissioner of insurance may require. The said commissioner shall cause said report to be published in a newspaper published in the village or city wherein is located the principal office of such association, the cost of such publication to be paid by such association. For any failure to make and deposit such annual statement, or to promptly reply in writing to any inquiry addressed by the commissioner of insurance in relation to the business of any such association, or, for wilfully making any false statement therein, every such association or officer so failing or making false statement shall forfeit five hundred dollars, and for neglecting to file such annual statement an additional five hundred dollars for every month that such association shall continue thereafter to transact any business in this state, until such statement be filed, and no such statement shall be deemed to be complete under the provisions of this act unless it shall be accompanied, at the time of filing, by a payment of twenty-five dollars to the commissioner of insurance for the benefit of the state.

Statement to be published.

Penalty for failure to make or reply to inquiries addressed by commissioner or for false statements.

Fee for filing statement to be paid commissioner

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1889.

[No. 943, A.] [Published April 26, 1889.]

CHAPTER 526.

AN ACT to provide for and regulate the printing, binding, and distribution of the reports of state officers, departments, institutions and societies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reports of state officers, etc., to be biennial.

SECTION 1. The biennial fiscal term of this state shall end on the thirtieth day of September in each even numbered year, and the succeeding term shall begin on the day following, and the reports of all state officers and institutions shall be biennial, and cover the term thus indicated; provided, that the state treasurer and secretary of state shall be required, in addition to their biennial reports, to prepare a condensed statement of the finances of the state at the close of the alternate fiscal years, and cause the same to be published in the official state paper and one other paper in this state of a different political party, to be designated by the secretary of state, at a cost not to exceed the rate for advertising now provided by law.

Treasurer and secretary of state to prepare and publish condensed statement at close of alternate fiscal years—how published.

Reports—number of pages—of various.

SECTION 2. The biennial reports of the several state officers, departments and institutions shall be limited in number of pages as hereinafter specified: The report of the secretary of state, including the report of the commissioners of public printing and the report of the superintendent of public property, not exceeding three hundred pages; the report of the state treasurer, not exceeding one hundred pages; the report of the state superintendent, two hundred and fifty pages; the report of the railroad commissioner, two hundred pages; the report of the insurance commissioner, one hundred pages; the report of the state board of supervisors, two hundred pages; the report of the state board of charities and reform, one hundred and fifty pages; the report of the commissioners of public lands, fifty pages; the report of the board of university regents, fifty pages; the report of the board of normal school

regents, fifty pages; the report of the commissioner of labor statistics, three hundred pages; the report of the adjutant-general, fifty pages; the report of the quartermaster-general, twenty-five pages; the report of the commissioners of fisheries, twenty-five pages; the report of the industrial school for girls, twenty-five pages; the report of the state supervisor of illuminating oils, twenty-five pages; the report of the state board of health, two hundred pages; the Milwaukee county insane asylum, fifty pages.

To be printed by state printer.

SECTION 3. Within ten days after the biennial reports of the several state departments and state institutions shall have been placed in the hands of the commissioners of printing, and by them approved as provided by law, the same shall be delivered to the state printer, through the secretary of state, who shall immediately proceed to print as follows: Of the report of the secretary of state, three thousand copies; of the state treasurer, one thousand five hundred copies; of the state superintendent, one thousand copies, and eight thousand copies of his condensed reports; of the railroad commissioner, one thousand copies; of the insurance commissioner, one thousand five hundred copies; of the state board of supervision, one thousand copies; of the state board of charities and reform, one thousand copies; of the commissioners of public lands, five hundred copies; of the regents of the university, one thousand copies; of the commissioners of fisheries, seven hundred and fifty copies; of the state supervisor of illuminating oils, five hundred copies; of the adjutant-general, one thousand copies; of the quartermaster-general one thousand copies; of the commissioner of labor statistics, ten thousand copies; of the Milwaukee county insane asylum, five hundred copies; of the industrial school for girls, five hundred copies; of the regents of the normal schools, one thousand copies; of the state board of health, three thousand copies; and further, there shall be printed two thousand copies of the message of the governor to the legislature, next to convene after the delivery of said biennial reports.

Number of copies.

How bound.

SECTION 4. Three thousand copies of the report of the secretary of state, five hundred of the state treasurer, five hundred of the state superintend-

ent, five hundred of the commissioner of labor statistics, five hundred of the governor's message, two hundred of the railroad commissioner, two hundred of the insurance commissioner, two hundred of the state board of supervision, two hundred of the state board of charities and reform, and two hundred of the regents of the state university, shall be bound separately in cloth. All other copies of reports provided for by section 3, of this act, shall be bound singly in paper.

Report of Wis. State Agricultural Society.

SECTION 5. And further there shall be printed annually upon the approval and order of the commissioners of public printing, ten thousand copies of the transactions of the Wisconsin state agricultural society, the same to embrace the reports of the county and other agricultural societies, and such matters pertaining to the agricultural industries of the state as shall be deemed important; provided the whole number of printed pages shall not exceed four hundred. Seven thousand copies of the transactions of the Wisconsin state horticultural society, the same to embrace such abstracts of reports of county and other horticultural societies, and such matters pertaining to the horticultural interests of the state as shall be deemed important; provided that the whole number of printed pages shall not exceed two hundred. Eight thousand copies of the transactions of the state dairymen's association, the same to embrace such other matters, pertaining to the dairy interests of the state as shall be deemed essential; provided that the whole number of printed pages shall not exceed two hundred. Twelve thousand copies of the report of the agricultural experiment station of the state university, provided that the whole number of printed pages shall not exceed two hundred and fifty. Two thousand copies of each of said reports to be bound separately in cloth, all others singly in paper.

Horticultural Society.

Dairymen's Association.

Agricultural Experimental Station.

Distribution of reports.

SECTION 6. The reports provided for in the preceding section shall be distributed as follows, through the superintendent of public property; fifteen copies to each member of the legislature, fifty copies to the state historical society, ten copies to each county agricultural society, and district industrial association, which embraces two or more counties and furnishes the state

agricultural society a report of its proceedings; to each of the four societies named in the preceding section; fifty copies of each of the reports of the other three societies; twenty-five copies of each of the reports to the library of the state university; to the governor, lieutenant-governor, secretary of state, state treasurer, attorney-general, state superintendent of public instruction, railroad commissioner and insurance commissioner, twenty-five copies each; to the state superintendent of agricultural institutes, fifty copies; to the superintendent of public property, commissioner of labor statistics, adjutant-general, quartermaster-general, state board of health, each ten copies; to each public library in the state, two copies; to each state normal school, two copies; to each of the state charitable and penal institutions one copy; and the remaining copies to the respective societies for distribution by their secretaries.

Duty of commissioners when reports exceed number of pages designated.

SECTION 7. In no case shall the number of printed pages in any report provided for in the act exceed the maximum number specified, except upon written request of the officer submitting the same, and then only upon previous written approval of a majority of the commissioners of public printing, such application and approval to be filed with the secretary of state.

Session laws, how printed.

SECTION 8. The state printer shall print ten thousand copies of the laws passed at each session of the legislature, including the joint resolutions and memorials, on good book paper; five hundred copies shall be bound in full sheep, and the remainder in half binding with sheep backs and corners. One thousand copies of the laws of each session shall be printed and delivered within sixty days after the final adjournment of the session of the legislature at which they were enacted, and the balance within thirty days thereafter; and whenever there may be an extra session the laws passed at such session shall be printed and bound as distinct and separate volumes, and shall be completed and delivered within thirty days after the adjournment of the same. The said state printer shall print on good book paper, and bind in a separate volume, two thousand copies of all city charters and amendments to city charters, the binding to be half binding with sheep backs and cor-

ners, as the laws before mentioned. He shall also print on good book paper, and bind in half binding with sheep backs and corners, five hundred copies of the journals of each house of the legislature.

Legislative journals.

SECTION 9. All accounts filed for work done or material furnished under the provisions of this chapter shall be carefully examined by the secretary of state, aided by a disinterested practical printer, if necessary employed by him for that purpose at the expense of the state, and compared with the vouchers therefor, and the orders for the same. If any errors be found in such account by said secretary of state or such experts aforesaid, said secretary shall immediately correct the same and return it to the state printer. When the account is finally audited, the amount thereof shall be paid out of the state treasury. And there is hereby appropriated out of any moneys in the treasury not otherwise appropriated, a sum sufficient to carry out the aforesaid provisions.

Secretary of state to audit printing accounts.

SECTION 10. The detailed tables of supplies purchased, etc., shall be omitted from the printed reports of the state charitable, penal and reformatory institutions, but they shall be compiled, as heretofore, and filed with the secretary of state.

Detailed tables of supplies for state institutions to be omitted from printed report.

SECTION 11. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repealed.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1889.

[No. 945, A.] [Published April 26, 1889.]

CHAPTER 527.

AN ACT to amend the charter of the city of Portage.

(See Vol. 2.)

[No. 8, A.] [Published April 24, 1889.]

CHAPTER 528.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 32, S.] [Published April 19, 1889.]

CHAPTER 529.

AN ACT to appropriate to Gilbert Anderson and others a certain sum of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Gilbert Anderson, et al.

SECTION 1. There is hereby appropriated to Gilbert Anderson and N. M. Littlejohn, for losses sustained by them in the completion of the university buildings known as the chemical laboratory, carpenter and machine shop, and boiler-house, the sum of six thousand one hundred and thirty dollars.

Appropriation to John Trumbull.

SECTION 2. There is hereby appropriated to John Trumbull, for losses sustained by him in the completion of said buildings, the sum of six thousand four hundred dollars. The sums of money mentioned in this act are appropriated for losses occasioned by changes from and additions to the contract for the erection of said buildings, made between the regents of the university and John Trumbull, June 23, 1885, and for the better construction of said buildings than that required by said contract. The appropriation hereby made is in full settlement and payment of all claims and demands, actions and causes of action, arising out of the said changes and better construction, or arising out of said contract, and is in full satisfaction of all demands whatever, legal or equita-

To be a full discharge and satisfaction of all demands, etc., in action of Littlejohn vs. Regents of University.

ble, in reference to the construction of said buildings by said Trumbull, Littlejohn and Anderson.

How paid.

SECTION 3. This act shall take effect from and after its passage and publication and shall be a full discharge and satisfaction of all claims, demands, sums of money, matters and things, in any way involved in, or connected with, the action of Newton M. Littlejohn against the regents of the university of Wisconsin, now pending in the circuit court of Dane county, or in any way involved in or connected with the erection or completion of said buildings; and no part of the money hereby appropriated shall be paid until said action shall have been dismissed without costs to the defendants therein; and said Littlejohn shall deliver to the state treasurer a certified copy of the order of said court so dismissing the same, nor until he and said Trumbull shall deliver to said treasurer their receipts in full of all such claims, demands, sums of money, matters and things.

Approved April 19, 1889.

MEMORIALS TO CONGRESS.

[No. 1, S.]

MEMORIAL TO CONGRESS NO. 1.

Relating to the preservation and improvement of the harbor of Superior.

To the Congress of the United States, in Senate and House of Representatives assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the harbor of Superior in importance is second to none on Lake Superior, considering its present commerce and the immense territory naturally tributary to its waters, which bid fair to increase that commerce to a magnitude equal to or greater than that of any other harbor upon the great lakes. From these facts, while the improvement and preservation of the harbor of Superior is of special importance to the northwestern states of Wisconsin and Minnesota, and the great territories beyond, its location and the interest involved in such preservation and improvement render it a matter of national concern. For the purpose of the preservation of said harbor it is important that no bridges be allowed to be constructed across any of the channels between said harbor and Lake Superior, and that the efforts made by the representatives in congress from this state to prevent the construction of such bridges should be continued till the importance of said harbor is fully recognized. That the present needs of said harbor with three great trunk lines of railroad touching thereon, and others seeking an outlet at that point, imperatively demand that greater facilities be provided for the accommodation and development of the commerce of such harbor, that a much larger appropriation than any heretofore made can be economically expended in the near future in and about said harbor. Wherefore your memorialists pray your honorable body to prevent the building of any bridges across any channel between said harbor and Lake Superior, and that you make more liberal appropriation for its speedy improvement, and that particular attention be paid to improve the natural entrance to said harbor on the Wisconsin side; and your memorialists will ever pray.

[No. 3, S.]

MEMORIAL TO CONGRESS NO. 2.

For the enactment of a law to facilitate the adjustment of the claims of Wisconsin and other states to idemnity for the swamp and overflowed lands, granted to said states, but subsequently erroneously sold or otherwise disposed of by the United States.

To the Senate and House Representatives of the United States, in Congress assembled:

The memorial of the legislature of the state of Wisconsin respectively represents: That under and by virtue of the act of congress approved September 28, 1850, granting to various states, all the swamp and overflowed lands, within their respective borders then undisposed of and thereby rendered unfit for cultivation, the state of Wisconsin became and was from that date entitled to all lands situated in said state, which were swamp and overflowed, within the intent and meaning of said act.

That, notwithstanding this fact the United States from that date has sold or otherwise disposed of very considerable areas of such swamp and overflowed lands, receiving the pay therefor or discharging its obligations therewith, and to that extent diminishing the fund available to the state for reclaiming the said lands. That heretofore no adequate provision has been made by congress for indemnifying the state for the losses thus sustained by reason of the wrongful and illegal acts of the officers and agents of the United States or for perfecting or quieting the titles of the present occupants of the lands so erroneously conveyed to them by the United States. Therefore, your memorialist respectfully asks that congress without further delay, will provide some adequate and just method whereby the claims of this state may be ascertained and indemnity therefor received, and the titles of purchasers made good; and to this end recommends to favorable consideration as being eminent by fair and equitable the bill introduced in the last congress by Representative McRea, of Arkansas, and favorably reported upon by the committee on public lands of the house of representatives.

JOINT RESOLUTIONS.

[No. 3, S.]

JOINT RESOLUTION NO. 1.

Instructing the superintendent of public property to furnish certain books for the use of the legislature.

Resolved by the senate, the assembly concurring: That the superintendent of public property be and is hereby instructed to provide and furnish to each member of the legislature, and to the elective officers thereof, one copy each of the revised statutes of Wisconsin for 1878, and of the laws of 1878, 1879, 1880, 1881, 1882, 1883, 1885 and 1887, and of the senate and assembly journals for 1887 and of the blue book 1887, Berryman's supplement, also two copies each of the above for the judiciary committee of each house, and one of each of the above for each other committee room.

That the state librarian be and he is hereby instructed to furnish the judiciary of each house with a set of Wisconsin supreme court reports, the latest digest thereof and Berryman's supplement to the revised statutes. All of the supreme court reports, digest and supplement to be returned to their proper custodians at the close of the session.

[No. 4, A.]

JOINT RESOLUTION NO. 2.

Resolved by the assembly, the senate concurring: That the appointment of the following employes at the per diem herein stated, and to commence at date of appointment, is hereby authorized: One assistant to the sergeant, at three dollars and fifty cents, one custodian of the cloak room, one watchman, one janitor, six committee room attendants,

and one gallery police, each at three dollars; a clerk to the committees on cities, on railroads, and on town and county organization, at three dollars and fifty cents each, and three messenger boys. There shall also be appointed for the senate, one committee room attendant for the judiciary committee room, one attendant for the committee room of the joint committee on claims, one clerk of the committee on charitable and penal institutions, a clerk for the committee on finance, banks and insurance, a clerk to the committee on railroads and two messenger boys; provided, that the committee clerks herein provided for shall be selected by the respective committees aforesaid by a vote at a regular session of said committees.

[No 7, A.]

JOINT RESOLUTION NO. 3.

Agreeing to a proposed amendment to the constitution.

WHEREAS, At the biennial session of the legislature for the year 1887, an amendment to the constitution of this state (the same being in fact an amendment of section 4, of article 7 thereof, as amended in 1877) was proposed and agreed to by a majority of the members elected to each of the two houses, which proposed amendment was in the following language:

Resolved by the assembly, the senate concurring: That the following be adopted as an amendment to the constitution of the state of Wisconsin:

SECTION 1. The chief justice and associate justices of the supreme court shall be severally known as justices of said court with the same terms of office, respectively, as now provided. The supreme court shall consist of five justices (any three of whom shall be a quorum), to be elected as now provided. The justice having been longest a continuous member of the court (or in case two or more of such senior justices having served for the same length of time, then the one whose commission first expires) shall be ex-officio the chief justice.

Resolved by the assembly, the senate concurring: That the foregoing proposed amendment to the constitution of the state of Wisconsin be, and the same is hereby agreed to by this legislature.

[No. 13, S.]

JOINT RESOLUTION NO. 4.

Proposing an amendment to subdivision 9, of section 31, of article IV., of the constitution of the state of Wisconsin.

Resolved by the senate, the assembly concurring: That subdivision 9, of section 31, of article IV., of the constitution of the state of Wisconsin, be amended by inserting after the word, "any" in said subdivision the word, "city," so that said subdivision, when so amended, shall read as follows: 9. For incorporating any city, town or village, or to amend the charter thereof.

[No. 20, A.]

JOINT RESOLUTION NO. 5.

For granting certain money and benefits to the Agricultural Experiment Station.

Resolved by the assembly the senate concurring: That we hereby accept, in behalf of the state of Wisconsin, the grant of all moneys and all benefits accruing under the act of congress known as the Agricultural Experiment Station Bill, approved March 2, 1887, for the use of the Agricultural Experiment Station, of the university of Wisconsin, and we designate the regents of the said university to receive the same.

Resolved, That the governor is hereby requested to forward a certified copy of these resolutions to the secretary of the treasury of the United States.

[No. 19, A.]

JOINT RESOLUTION NO. 6.

For granting use of room twenty-seven to the horticultural society.

WHEREAS, The Wisconsin State Horticultural Society has many valuable books which it is desirable shall be preserved, and whereas many such have heretofore been lost, by moving from room to room; therefore,

Resolved by the assembly, the senate concurring: that room number twenty-seven in the capitol is hereby set apart for the permanent use of said Horticultural Society; provided, nothing herein contained shall be construed to prevent its use, by the clerical force of either branch of the legislature during any session thereof.

[No 14, S.]

JOINT RESOLUTION NO. 7.

Proposing an amendment to section 1, of article 10, of the constitution of the state of Wisconsin, relating to Education.

Resolved by the senate, the assembly concurring: That section 1, of article 10, of the constitution of the state of Wisconsin, be amended so as to read as follows: Section 1. The supervision of public instruction shall be vested in a state superintendent and such other officers as the legislature shall direct The time and manner of electing or appointing all such officers, their qualifications, terms of office, powers, duties and compensation, shall be prescribed by law.

CERTIFICATE.

STATE OF WISCONSIN }
Department of State, }

I, ERNST G. TIMME, secretary of state, of the state of Wisconsin, do hereby certify that the foregoing copies of laws, memorials and joint resolutions have been compared by me with the original enrolled acts, memorials and joint resolutions, deposited in this office, and that they appear correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the lesser seal of the state, at the capitol, in the city of Madison, this 19th day of June, A. D. 1889.

[L. S.]

ERNST G. TIMME,
Secretary of State.

STATEMENT.

PREPARED IN ACCORDANCE WITH SEC. 2425, R. S., SHOWING THE NAMES AND POST-OFFICE ADDRESSES OF THE CIRCUIT JUDGES, AND TIMES AND PLACES FOR HOLDING CIRCUIT COURTS, IN THE SEVERAL COUNTIES OF WISCONSIN.

The judge of any circuit may, by an order entered and recorded in the clerk's office, appoint one extra jury term of court, to be holden in any county in his circuit, when he shall deem such term necessary to complete the jury trials in such county during any year, and may cause jurors to be drawn and summoned as for other terms. At such terms the same business may be transacted as at a regular term of such court. In case there is pending in any such county an action of *quo warranto* brought on the relation of the attorney-general or a private person, wherein the defendant is or shall be charged with usurping any county office, or unlawfully withholding the same from the person entitled thereto, and an issue is formed in such action, sixty days or more before the time for holding the next ensuing regular term of court for said county, the judge shall appoint an extra term, and cause jurors to be drawn and summoned in the manner aforesaid for the trial of such action and for the transaction of such other business as the order may direct. Such order shall so provide that said term shall commence within thirty days after the entry of the same. At any term where any action of *quo warranto* shall be for trial, it shall take precedence of all other actions.—*Chapter* 141, *Laws of* 1885.

FIRST CIRCUIT.

JUDGE—JOHN B. WINSLOW, RACINE.

Term expires the first Monday of January, 1896.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Walworth	3d Monday in February ..... 1st Monday in June..... 1st Monday in October.....	Elkhorn	Ch. 66, L. 1889
Racine	2d Monday in April ..... 4th Monday in June..... 2d Monday in November	Racine	Ch. 66, L. 1889
Kenosha... ...	3d Monday in March..... 2d Monday in June..... 2d Monday in September.....	Kenosha.....	Ch. 66, L. 1889

No jury shall be summoned for either of the terms to be held in this circuit in the months of June or August. Each term in this circuit shall also be a special term for the whole judicial circuit.—*Chapter* 32, *Laws of* 1879.—See *Chapter* 66, *Laws of* 1889.

SECOND CIRCUIT.

JUDGE—D. H. JOHNSON, MILWAUKEE.

Term expires first Monday of January, 1894.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Milwaukee	1st Monday in January ..... 1st Monday in March..... 1st Monday in May..... 1st Monday in September..... 1st Monday in November..... ...	Milwaukee	Ch. 50, L. 1889

No jury shall be summoned for either of the terms to be held in this circuit in the month of June. Every term in the circuit shall be a special term for the whole judicial circuit.—*Section* 2494, *Revised Statutes.*

THIRD CIRCUIT.

JUDGE—GEO. W. BURNELL, OSHKOSH.

Term expires first Monday of January, 1891.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Calumet.....	1st Monday after 1st Tuesday of April 1st Monday in October....	Chilton..... ...	Ch. 134, L. 1885
Green Lake ...	3d Monday in January..... 1st Monday in June	Dartford.....	Ch. 140, L. 1882
Winnebago	1st Monday in May ..... 1st Monday in December.....	Oshkosh.....	Ch. 134, L. 1885
	SPECIAL TERMS.		
	1st Tuesday in September and February.....	Oshkosh.....	Ch. 134, L. 1885

Each of the general terms of the circuit court in each of the counties in the said third judicial circuit of Wisconsin, and the aforesaid special terms in the said county of Winnebago, shall also be and are hereby declared to be special terms of the circuit court in and for the whole of the third judicial circuit of the state of Wisconsin.—*Chapter* 134, *Laws of* 1885.

FOURTH CIRCUIT.

JUDGE—NORMAN S. GILSON, FOND DU LAC.

Term expires first Monday of January, 1893.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Sheboygan ...	3d Monday in April ..... 4th Monday in September.....	Sheboygan	Ch. 63, L. 1881
Manitowoc	Tuesday after 2d Monday in January Tuesday after 1st Monday in June...	Manitowoc	Ch. 63, L. 1881
Kewaunee.....	1st Monday in May ..... 3d Monday in October	Kewaunee.....	Ch. 63, L. 1881
Fond du Lac...	Tuesday after 1st Monday in March.. Tuesday after 2d Monday in November	Fond du Lac	Ch. 63, L. 1881

Every general term in the counties of Fond du Lac, Sheboygan and Manitowoc, shall be a special term for the whole judicial circuit, at which any and all business may be done arising or pending in any county of said circuit, which might be done at a general term for the county in which such business arises, or is pending, except the trial of issues of fact by a jury. In the county of Fond du Lac, special terms for the whole circuit shall be held on Tuesday after the third Monday in February, and Tuesday after the first Monday in July, at which special terms any and all business may be done, arising or pending in any county of said circuit which might be done at a general term for the county in which such business arises or is pending, not requiring the intervention of a jury.—*Chapter* 63, *Laws of* 1881.

FIFTH CIRCUIT.

JUDGE—GEORGE CLEMENTSON, LANCASTER.

Term expires first Monday of January, 1895.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Grant	3d Tuesday in February 2d Tuesday in October	Lancaster	Ch. 402, L. 1887
Iowa	4th Monday in March Last Monday in September	Dodgeville	Ch. 503, L. 1889
La Fayette	3d Tuesday in June 1st Tuesday in December	Darlington	Ch. 402, L. 1887
Richland	2d Tuesday in April 2d Tuesday in September	Richland Center	Ch. 402, L. 1887
Crawford	4th Tuesday in May 2d Tuesday in November	Prairie du Chien	Ch. 402, L. 1887

Every term in each of said counties shall be a special term for the whole circuit.—*Section* 1, *Chapter* 402, *Laws of* 1887.

SIXTH CIRCUIT.

JUDGE—ALFRED W. NEWMAN, TREMPEALEAU.

Term expires first Monday of January, 1895.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Clark	1st Monday in June 1st Monday in December	Neillsville	Ch. 119, L. 1889
Jackson	3d Monday in March 3d Monday in September	Black River Falls	Ch. 35, L. 1881
La Crosse	2d Monday in May 2d Monday in November	La Crosse	Ch. 35, L. 1881
Monroe	1st Monday in April 1st Monday in October	Sparta	Ch. 35, L. 1881
Trempealeau	1st Monday in March 1st Monday in September	Whitehall	Ch. 119, L. 1889
Vernon	4th Monday in April 3d Monday in October	Viroqua	Ch. 35, L. 1881

Every general term in the counties of La Crosse, Monroe, Jackson, Trempealeau and Vernon, shall also be a special term for the whole judicial circuit. At any special term of said court herein provided for, any and all business may be done arising in any county of the circuit, which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus* and excepting also, the trial of issues of fact in actions made local by law, and arising in some county other than the one in which such special terms shall be held.—See *Section* 3, *Chapter* 35, *Laws of* 1881, and *Section* 1, *Chapter* 6, *Laws of* 1887.

Every general term of the circuit court for the counties of Clark and Trempealeau aforesaid shall also be a special term for the whole sixth judicial circuit, and at any such term of said court any and all business may be done arising in any county in said circuit, which might be done at any general term except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*, and excepting also the trial of issues of fact in actions made local by law, and arising in some county other than the one in which such special term shall be held.—*Section* 2, *Chapter* 119, *Laws of* 1889.

SEVENTH CIRCUIT.

JUDGE—CHARLES M. WEBB, GRAND RAPIDS.

Term expires first Monday of January, 1891.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Lincoln	1st Monday in May 1st Monday in November	Merrill	Ch. 317, L. 1889
Marathon	1st Monday in March 2d Monday in October	Wausau	Ch. 317, L. 1889
Portage	3d Monday in November 4th Monday in March	Stevens Point	Ch. 317, L. 1889
Waupaca	3d Monday in January 2d Monday in June	Waupaca	Ch. 317, L. 1889
Waushara	3d Tuesday in April Last Tuesday in September	Wautoma	Ch. 317, L. 1889
Wood	4th Monday in May 2d Monday in December	Grand Rapids	Ch. 317, L. 1889

Every general term in the Seventh Judicial Circuit shall also be a special term for the whole circuit.—*Chapter* 3, *Laws of* 1885.

EIGHTH CIRCUIT.

JUDGE—EGBERT B. BUNDY, MENOMONIE.

Term expires first Monday of January, 1891.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Buffalo	4th Monday in February 4th Monday in October	Alma	Ch. 350, L. 1889
Dunn	2d Monday in March 2d Monday in September	Menomonie	Ch. 350, L. 1889
Eau Claire	4th Monday in March 4th Monday in September	Eau Claire	Ch. 350, L. 1889
Pepin	3d Monday in April 3d Monday in October	Durand	Ch. 350, L. 1889
Pierce	On the Tuesday following 2d Monday in June On the Tuesday following 2d Monday in December	Ellsworth	Ch. 350, L. 1889
St. Croix	2d Monday in May 2d Monday in November	Hudson	Ch. 350, L. 1889

I hereby appoint special terms of said court to be held in each year at the times and places hereinafter named, viz.: At Eau Claire, Eau Claire county, on the first Monday of January; at Hudson, St. Croix county, on the third Monday of February; at Menomonie, Dunn county, on the first Monday of July; at River Falls, Pierce county, on the first Monday of September.—*Order of Judge Bundy, issued in compliance with the provisions of Chapter* 25, *Laws of* 1879.

Every general term of the eighth judicial circuit, shall be a special term for the whole circuit. At any special term of said court, herein provided for, any and all business may be done arising in any county of the circuit which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*.—*Chapter* 122, *Laws of* 1889.

NINTH CIRCUIT.

JUDGE—ALVA STEWART, MADISON.

Term expires first Monday of January, 1891.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Adams	3d Tuesday in January 2d Tuesday in June	Friendship	Sec. 2424, R. S.
Columbia	2d Tuesday in May 2d Tuesday in December	Portage	Sec. 2424, R. S.
Dane	Monday after 1st Tuesday in April 2d Tuesday in July 2d Monday in November	Madison	Sec. 2424, R. S.
Juneau	1st Tuesday in March 2d Tuesday in October	Mauston	Ch. 391, L. 1889
Sauk	3d Monday in March 3d Monday in September	Baraboo	Ch. 125, L. 1889
Marquette	Tuesday after 1st Monday in January Tuesday after 3d Monday in June	Montello	Ch. 238, L. 1881

Every term in the counties of Dane and Columbia shall also be a special term for the whole judicial circuit. No jury shall be summoned for the term in July for Dane county.—*Section 2424, Revised Statutes.*

TENTH CIRCUIT.

JUDGE—GEORGE H. MEYERS, APPLETON.

Term expires first Monday of January, 1892.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Florence	1st Tuesday in March 3d Tuesday in September	Florence	Ch. 283, L. 1883
Forest	2d Tuesday in January 3d Tuesday in June	Crandon	Ch. 297, L. 1889
Langlade	3d Tuesday in March 1st Tuesday in September	Antigo	Ch. 134, L. 1885
Outagamie	2d Monday in October 3d Monday in April 1st Tuesday in February (special)	Appleton	Ch. 238, L. 1883
Shawano	4th Monday in May 1st Monday in December	Shawano	Ch. 297, L. 1889

All writs, venires, information, summons, recognizances, processes, motions, notices and other proceedings in said court, and all jurors summoned to attend notices of trial, and every and all proceedings pending, or to be heard on the day heretofore fixed as the first day of such courts, or upon any day in such term, or heretofore fixed, shall be deemed and held returnable, recognized, obligated, cited to appear and noticed for hearing on the days herein fixed for the first day of said court, and shall be heard and disposed of as if returnable or noticed for hearing on the first day of such court as herein fixed, and any venire issued returnable, as the term of said court has been heretofore fixed, shall be deemed and held returnable for the first day of the term of said court, as fixed by this act.—*Section 2, Chapter 224, Laws of 1887.*

Each of the general terms of the circuit court of the counties of Outagamie, Langlade and Shawano, and the special term in the county of Outagamie shall also be and are hereby declared to be special terms of the circuit court, in and for the whole of the tenth judicial circuit of Wisconsin.—*Chapter 134, Laws of 1885.*

ELEVENTH CIRCUIT.

JUDGE—R. D. MARSHALL, CHIPPEWA FALLS.

Term expires first Monday of January, 1895.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Barron	3d Tuesday in April 3d Tuesday in September	Barron	Ch. 51, L. 1889
Burnett	3d Tuesday in March 2d Tuesday in September	Grantsburg	Ch. 51, L. 1889
Chippewa	1st Tuesday in May 1st Tuesday in October	Chippewa Falls	Ch. 51, L. 1889
Douglas	3d Tuesday in February 3d Tuesday in August	Superior	Ch. 51, L. 1889
Polk	1st Wednesday after 1st Tuesday in April 3d Tuesday in November	Osceola Mills	Ch. 51. L. 1889
Washburn	1st Tuesday in March 1st Tuesday in September	Shell Lake	Ch. 51, L. 1889

TWELFTH CIRCUIT.

JUDGE—JOHN R. BENNETT, JANESVILLE.

Term expires first Monday of January, 1895.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Rock	4th Monday in January 4th Monday in April Wednesday next after the 1st Monday in November	Janesville	Sec. 2494, R. S.
Green*	1st Tuesday in March 3d Tuesday in June 1st Tuesday in October	Monroe	Sec. 2494, R. S.
Jefferson	1st Monday in February 2d Tuesday in June 1st Monday in September	Jefferson	Sec. 2494, R. S.

No jury shall be summoned for either of the terms in this circuit appointed to be held in the months of January and June. Every term of this circuit shall also be a special term for the whole judicial circuit.—*Section* 2494, *Revised Statutes.*

*See Chapter 468, laws of 1887, repealed by *Chapter* 120, *Laws of* 1889.

THIRTEENTH CIRCUIT.

JUDGE—A. SCOTT SLOAN, BEAVER DAM.

Term expires first Monday of January, 1894.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Dodge.....	4th Tuesday in September..... 3d Tuesday in February.....	Juneau.....	Ch. 55, L. 1882
Ozaukee.....	1st Tuesday in September..... 1st Tuesday in March.....	Port Washington.	Ch. 55, L. 1882
Washington....	3d Tuesday in October..... 3d Tuesday in March.....	West Bend.....	Ch. 55, L. 1882
Waukesha.....	1st Tuesday in December..... 4th Tuesday in May..... 4th Tuesday in August (special)..... 1st Tuesday in February (special)...	Waukesha.....	Ch. 55, L. 1882

All writs, summons, recognizances, process, informations, motions, orders to show cause and all jurors summoned to attend, and all notices of trial, notes of issue, and all other proceedings returnable at, pending and to be heard in said circuit court for Washington county, on the third Monday in March, 1882, the day heretofore fixed as the first day of the term in said county of Washington, shall be, and shall be held to be, returnable to, set for hearing, summoned to attend and noticed for trial on the third Tuesday in March, 1882, and shall be answered unto, heard, tried, determined and disposed of, and the jurors shall attend, on said third Tuesday of March, 1882, the same as if in terms returnable to set for hearing, summoned to attend or noticed for trial on said last named day.—*Section* 3, *Chapter* 55, *Laws of* 1882.

FOURTEENTH CIRCUIT.

JUDGE—SAMUEL D. HASTINGS, GREEN BAY.

Term expires first Monday of January, 1896.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Brown.....	4th Monday in November..... 1st Monday in March..... 1st Monday in June..	Green Bay.....	Ch. 82, L. 1887
Door	1st Tuesday in February..... Tuesday after 1st Monday in September.....	Sturgeon Bay	Ch. 82, L. 1887
Marinette.....	2d Monday in January ..... 1st Monday in May... ..... 1st Monday in October	Marinette.....	Ch. 82, L. 1887
Oconto	2d Monday in April..... 2d Monday in November.....	Oconto	Ch. 82, L. 1887

Every term in the counties of Brown, Oconto and Marinette, shall also be a special term for the whole judicial circuit.—*Chapter* 82, *Laws of* 1887.

The jurors for each term of court in the counties of Brown, Oconto and Marinette, shall be summoned to appear at or before the hour of nine o'clock A. M., on the second day of the term.—*Chapter* 82, *Laws of* 1887.

FIFTEENTH CIRCUIT.

JUDGE—J. K. PARISH, MEDFORD.

Term expires first Monday of January, 1894.

COUNTIES	TERMS.	WHERE HELD.	LAWS.
Ashland	2d Monday in June 3d Monday in September 2d Monday in December	Ashland	Ch. 111, L. 1889
Bayfield	1st Wednesday in April 1st Monday in October	Bayfield	Ch. 111, L. 1889
Oneida	3d Monday in April 3d Monday in October	Rhinelander	Ch. 111, L. 1889
Price	1st Monday in May 1st Wednesday in November	Phillips	Ch. 111, L. 1889
Sawyer	1st Monday in June 1st Monday in December	Hayward	Ch. 111, L. 1889
Taylor	3d Monday in May 3d Monday in November	Medford	Ch. 111, L. 1889

Each and every general term of court in each of said counties shall be special terms for the whole Fifteenth Judicial Circuit, and any and all business arising or pending in said circuit or any of the counties thereof, may be done at such special terms which might be done at any general term thereof, except the trial of the issue of fact by jury.—*Section* 2, *Chapter* 488, *Laws of* 1887.

No jury shall be empanelled at the September term of the circuit court for Ashland county, unless the judge of said court shall in his discretion, thirty days prior to the convening of said term of court, file a written order with the clerk of said court requiring a jury to be empanelled, which jury shall be used in the trial of criminal cases.

The several general terms of court in each county of said circuit shall be a special term for all other counties in said circuit.

This act shall take effect and be in force from and after the first day of July, 1889, and all other acts in conflict with this act are hereby repealed.—*Chapter* 111, *Laws of* 1889.

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TO THE

SESSION LAWS

OF THE

STATE OF WISCONSIN,

Enacted by the Legislature During the Years 1879, 1880, 1881, 1882, 1883, 1885, 1887 and 1889,

WITH REFERENCE TO SECTIONS OR CHAPTERS OF THE

REVISED STATUTES,

AMENDED, ENACTED OR REPEALED.

Prepared and Published under the supervision of the Secretary of State, in compliance with Chapter 51, Laws of 1883.

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across Kewaunee river, Kewaunee county, town of of Kewaunee to build				127	232				
across Kewaunee river, Kewaunee county, town of West Kewaunee to build					53				
across Kickapoo river, Crawford county						143			
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across Milwaukee river, Washington county, town of Fredonia, Ozaukee county, to aid in construction of				106	122				
across Milwaukee river, in city of Milwaukee									182
across Mississippi river, city of La Crosse to build									37
across Mississippi river, from point in Buffalo county, Winona & Southwestern Railroad to build									96
across Mississippi river, city of Winona to build			274						
across Mississippi river, at or near Red Wing, Minnesota Central Railroad Company to build						275			
across Mississippi river, near Red Wing, Duluth R. W. & So. R'y to build									208
across Red Cedar river, Dunn county, Chippewa Valley and Superior Railroad Company to build					77				
across Rock river, at city of Jefferson, town of Jefferson, to aid in construction of			2						
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across Wisconsin river, Wood county, T. E. Nash to build									41
same, Arpin et al. to build, when									462
across Wolf river, towns of Hortonia and Liberty, Outagamie county, to build			298						
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across Wolf river, at Fremont, Waupaca county, conditional repeal of act for						331			
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across Kickapoo river and west branch thereof, Vernon county							26		
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across Chippewa river, Pepin county							28		
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across Eau Galle River, Pierce, Pepin and Dunn counties							30		
wagon bridge across Black river, La Crosse county							139		
toll bridge across Wisconsin river, in town of Wyoming, Iowa county							279	2	
toll bridge across Wisconsin river, from point in Sauk to point opposite in Dane or Iowa counties								155	
free, across Wisconsin river between Grand Rapids and Centralia									2
free wagon bridge across Chippewa river between towns of Brunswick and Union							318		
railroad or wagon combined across Mississippi at Winona								50	
city of Beloit may construct, across Rock river								66	
railroad and wagon, across Mississippi at Red Wing								11	
across Mississippi river at any point between La Crosse and Prairie du Chien								464	

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WISCONSIN DAIRYMEN'S ASSOCIATION:									
relating to report of	339[2]		128			320	435		526
appropriation to							59	72	411
WISCONSIN EXHIBIT AT NEW ORLEANS:									
appropriation for defraying expenses of							13		
WISCONSIN FEMALE COLLEGE OF FOX LAKE:									
name changed to Downer College									6
WISCONSIN HUMANE SOCIETY:									
agents of, to have certain police powers			179						
WISCONSIN INDUSTRIAL SCHOOL FOR BOYS — (See Industrial Schools; Appropriation.):									
board of supervision may grant right of way through grounds of, at Waukesha								109	
authorized to lay out highways through grounds of								265	
WISCONSIN INDUSTRIAL SCHOOL FOR GIRLS — (See Industrial Schools.)									
WISCONSIN INDUSTRIAL ASSOCIATION:									
appropriation to							208	542	75
WISCONSIN LEGAL NEWS:									
Milwaukee, legal notices may be published in	4276	194							
WISCONSIN NATIONAL GUARD:									
governor to muster additional companies in									353
authorizing purchase of grounds for camp, etc., for, at Camp Douglas; appropriation									124
militia to be known as	ch. 34	208							
governor's staff may employ clerks, etc	616						439		
companies other than cavalry to contain not less than thirty-six privates	621		185						
clothing fund of $5.00 per capita, when paid to companies	623		185		162				
of Milwaukee city and county may use armory and arsenal of light horse squadron of Milwaukee							210		
commanding officer custodian of company property							398		
may be ordered into camp by governor for military instruction	640						199		

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APPENDIX "A."

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23			333				182	
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37								507
38								507
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45								507
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98			280					
99				153				
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112				314	346	94		
113	1			153				
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339[1]		200			320			526
339[2]		128			320			
340							436	515
351		118						
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356	45							
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359						67		
371						123		
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386								272
389					30			
390					309			
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Section of Statutes Amended, Enacted or Repealed.	General Laws—Years, Chapters and Amendments.							
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409	98							
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436						93		
437						124		
440					251			254
443	117							
447 } 449 }						327	79	
450	237						79	
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458b				308				
459							440	
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463				72	298			156
464				72	298			154
472			305			241		
489a	121			298				
490	245							
492	245							
493	245							
494	245		146					
495a				23				
495b					302			
496	245				273	420		468
496a					325			
503					251			
509			195	45				
514					251			
521							297	288
522							297	
523					63		297	288
524							297	
525							297	288
526							297	
529							297	
534							297	
535							297	
537				72			297	288
539							297	
541							297	
544							297	
545							297	
547							297	288
548							297	
552							297	
551						124	277	
558							275	
563a					291			
564						330		
567a			298	15	298			
567b					283			
588				151				
590			290					
590a		276						
7592		266	202					
592		266	202		85			
593a			202					
593b					85			
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7594		266	202		85			
602		r96	298					
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620	208							
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623	208	185		162				
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632	208							
633	208							
634	208							
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639	208							
640		185		162		298, 439		
641	208							
644	208							
645		185						
647	208							
649a	208							
649b		185						
649c				162				
655				237			35	
655a			139					
661a	194							
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664				199	318	431		408
665						274		
669a		186						
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674					54			
677								343
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731		174, 175		176				
748							166	
752			188					
756								18
762			149					
764			278					
772							43	
776[3]							69	
783a					162			
796			232	259				
818a					147			
819a					222			
821				113				
824				163				
824a			19					
833				143				
834a					114			
840			289					
844			145					

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws — Years, Chapters and Amendments.							
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
WISCONSIN DAIRYMEN'S ASSOCIATION:									
relating to report of	839[2]		128			320	435		526
appropriation to							59	72	411
WISCONSIN EXHIBIT AT NEW ORLEANS:									
appropriation for defraying expenses of							13		
WISCONSIN FEMALE COLLEGE OF FOX LAKE:									
name changed to Downer College									6
WISCONSIN HUMANE SOCIETY:									
agents of, to have certain police powers			179						
WISCONSIN INDUSTRIAL SCHOOL FOR BOYS — (See Industrial Schools; Appropriation.):									
board of supervision may grant right of way through grounds of, at Waukesha								109	
authorized to lay out highways through grounds of								265	
WISCONSIN INDUSTRIAL SCHOOL FOR GIRLS — (See Industrial Schools.)									
WISCONSIN INDUSTRIAL ASSOCIATION:									
appropriation to							208	542	75
WISCONSIN LEGAL NEWS:									
Milwaukee, legal notices may be published in	4276	194							
WISCONSIN NATIONAL GUARD:									
governor to muster additional companies in									353
authorizing purchase of grounds for camp, etc., for, at Camp Douglas; appropriation									194
militia to be known as	ch. 34	208							
governor's staff may employ clerks, etc	616						490		
companies other than cavalry to contain not less than thirty-six privates	641		185						
clothing fund of $5.00 per capita, when paid to companies	643		185		169				
of Milwaukee city and county may use armory and arsenal of light horse squadron of Milwaukee							310		
commanding officer custodian of company property							284		
may be ordered into camp by governor for military instruction	640						190		

Section of Statutes, Amended, Enacted or Repealed.	General Laws — Years, Chapters and Amendments.							
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1069	124							
1070							368	
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1077a		291		212				201
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1079					50			517
1081			269					
1084								3
1085							104	
1087	255							
1089			269					
1090			269					
1095							140	
1110				188				
1121	202							
1127							325	
1130	95 150		213 214				108	
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1143			268					
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1195				254				
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1210d				250	153			
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1554			174	322		438	288	
1555				322		438		

Section of Statutes Amended, Enacted or Repealed.	General Laws — Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
1556		312	r204	51 322		438		447
1557			174	322				
1558			174	322				478
1560				322				
1562					156			
1565				322	264			
1570			100	218		203		510
1571								510
1572								510
1575			100					
1576			100					510
1582	194							457
1583	194							510
1585						291	334	
1586						291	334	
1586a							334	
1587						291	334	
1588						291	334	
1590					r160	291	334	
1600			252					
1600a			252					
1601			239					
1602			239					
r1623		57						
r1624		57						
r1625		57						
r1626	254							
r1627	254							
r1628	254							
1629	r106		150					
r1630	254							
1630a			150	89	116			
1658 1659 1660 1661 1662						181		
1665			121					
1670a	174							
1675	194							
1698a					349			
1697						251	317	
1700	194[18]							
1701				70				
1702							548	
1702a				170				
1702b					240			
1702c							548	
1728					135			
1730			225	198		112		
1733			225	193		112 288		
1738								441
1743						266		
1744a				214				
1744b					267			
1750a		193	189					
1753			93					
1770a					229			
1771					230		180 352	
1772					241			
1772[2]			r143			256		
1772[9]	7							
1772[7]					241	353		
1775			133		70			
1775a					221			
1777				318				
1777a		279						
1780	211							
1780a				208				
1785a					171			

Section of Statutes Amended, Enacted or Repealed.	General Laws—Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
1791					118			
1791a				196				
1791b					277			
r1792			300					
1792a			300					
1794						198		459
1797		235	294					
1797a					258			
1799							487	
1807							249	516
1808							107	279
1810			193					
1815			318					
r1816		322						438
1824a			27					
1828[9]					185			
1828a				266				
1831a					276			
1833		260		268	293			
1833a					274			
1858				206				
1862			219					
1863		221						
1886							r {213	269
1887							213	269
1888							213	269
1892							213	269
1897[8]							33	
1915[3]								335
1926						308		242
1927						421		212
1928		26						
1929				146				
1931		134	48	187	189	421		204
1932				146				
1932a							308	
1933			18	146				
1934				146				253
1935	251		42	{146 240				476
1937				146				
1938			46	205	168	421		
1940		211	260			421		35
1941						421		
1941c							5	
1942a					44			
1946				166				
1946c		126		166				
1947						101	{309 546	
1948							309 546	
1949							309 546	
1950							309	
1951				204			309	
1952							309	
1953							309	
1953a		105		227				
1953b	204		246	249	94	458	{42 196 506 534	394
1953c				281				
1954							309	
1955							309	
1956	194							
1966		281						
1967			300					
77a					42			

Section of Statutes Amended, Enacted or Repealed.	General Laws — Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
1968a	171							
1968b		240	300					
1971							319	
1972	162							
1977		240						
1987								168 328
1992					79			312
1997	70 252					365		
2001	94							
2001a		284						
2001b					37			313
2002					55	19	294 208	
2009							93	
2010				1		127		
2011				1				
2012				1				
2014							93	
2014a					294			
Ch. 94							392	
2023								523
2023a		223						
2024	194							
2069							551	
2081					290			
2172				265				
2187						109		
2206a					348			
2212							327	
2213								345
2216		129						
2216a		9						
2220	194							
2225	194					365		
2256					100			
2264a				52				
2265						60	279	
2270[6]					219			
2271					301			
2272a				223				
2283	194							
2318						218	268	
2319a					81			
2345			99					
2347								271
2356			r297	230				
2376a								280
2400						132		
2422a			140	180	101 169			
2423				34	47			
			87	55	172			
				140	288			
2424	32		5	3			82	50–51
	43		35	55		3	224	66–111
	52		37	90	61	17	402	119–297
	61	109	63	125	68	134	r468	120
	181		159	140	87	135	488	317–350
	206		238	157	288	169	511	391–508
				179				
2426						141		294
2433			10 151		107	110	506	121
2434						369		
2437	89							
2438								128
2449					42			
2452				310				

APPENDIX "A."

SECTIONS OF REVISED STATUTES AMENDED, ENACTED OR REPEALED SINCE REVISION OF 1878.

Section of Statutes Amended, Enacted or Repealed.	General Laws—Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
3a	88							
5	108 114	247 19	7	34 165	47 74 172 194 308	411 426		
9				244				
10				242				
12					39			
12a	84							
14					39			
17					327			
18					327			
20			333				182	
20[1]			r333			310	182	
20[2]		234					182	
21							182	
22							182 543	
23			333				182	
24		315				310		
27			r107	259		416		
29			244					
36								50
37								50
38								50
44							360	32
45								537
45a							350	
45b							350	21
45c							350	
46						273		
58		318						
95								1
98			280					
99				153				
111a	194			314	346	94		
112				314	346	94		
113	1			153				
r115				153				
r116				153				
118				314				
120				191				
121	141	123		14				
128			300					
129		257						
134a	184							
137a			307					
165a				57				
166[3]								224
169		199						
170				57		368		
170a			300					
172	194	239	298					
172a				33				

Section of Statutes Amended, Enacted or Repealed.	General Laws—Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1888.
173	194							
175			20					
186	194							
r 196						383		
r 197						383		
r 198						383		
r 199						383		
r 200						383		
r 201						383		
206a					362			
215			203					
225								488
237a	175							
237b	220							
237c					215			
238						444		
250					322			
254					264			
258[1]					82			
r258[2]			167					
258a			167					
261							541	
262								303
r265			167					
r266			167					
r267			167					
r268			167					
r269			167					
r270			167					
r271			167					
r272			167					
r273			167					
r274			167					
r275			167					
r276			167					
r277	158							
277a	158							
290a				r177	159			
299				288				506
320a					51			
331			101	302		348		
333	169							526
334	169							526
335a					320	303		
336a	16				320	425		
r336					320			
r337					320			
r338					320			526
339		128 200			320			
339[1]		200			320			526
339[2]		128			320			
340							436	515
351		118						
353[2]						67		
356	45							
357					248			
359						67		
371						123		
375		106	279			31		
376	194							
376[7]	194							
378	65							236
383a			124					
385								
386								272
389					30			
390					309			
401	98							
403	98							
405						7		

Section of Statutes Amended, Enacted or Repealed.	General Laws—Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
408a					214			
409	98							
412						355		
419a				280				
425				69	298		96	
430[14]						194		
430a	118							
436						98		
437						194		
440					251			254
443	117							
447, 449						327	79	
450	237						79	
458a		209						
458b				308				
459							440	
461		r155	272					
462	107			72	298			155, 270
463				72	298			156
464				72	298			154
472			305			241		
489a	121			298				
490	245							
492	245							
493	245							
494	245		146					
495a				23				
495b					302			
496	245				273	420		416
496a					325			
503					251			
509			196	45				
514					251			
521							297	298
522							297	
523					63		297	298
524							297	
525							297	298
526							297	
529							297	
534							297	
535							297	
537				72			297	298
539							297	
541							297	
544							297	
545							297	
547							297	298
548							297	
549							297	
551						194	277	
558							275	
563a					291			
564						330		
567a			296	15	266			
567b					233			
588				151				
590			239					
590a		276						
r592		266	202					
593		266	202		35			
593a			202					
593b					35			
593c				151				
r594		266	202		35			
602		r96	296					
604							167	
604d							526	
604k			233					

Section of Statutes Amended, Enacted or Repealed.	General Laws — Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
604m			223	263				
609b	176	194	223					
611	208							
612	208							
616						439		
620	208							
621		185				298		
623	208	185		162				
631	208							
632	208							
633	208							
634	208							
634a		300						
635		185		139 301				
636	208							
638		185						
639	208							
640		185		162		298 439		
641	208							
644	208							
645		185						
647	208							
649a	208							
649b		185						
649c				162				
655				257			35	
655a			139					
661a	194							
661b	177							
663					111			
664				199	318	431		408
665						274		
669a		186						
670			207	306	97 316			
670[4]		110						
r670[6]		321	239	115				
670[12]						155		
671	190		73	11 226	54 287		106	464
674					54			
677								342
679					188			
680			117					
683						87		
694					180	260		
694a			53					
695						149		
698	r205	87						
710		215						
731		174 175		176				
748							166	
752			188					
756								18
762			149					
764			278					
772							43	
776[2]							69	
783a					162			
796			232	259				
818a					147			
819a					202			
821				113				
824				163				
824a			19					
832				143				
834a					114			
840			239					
844			145					

Section of Statutes Amended, Enacted or Repealed.	General Laws—Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
846			45	284				
852a	194							
852b	194							
852c					155			
852d			270					
854		203	92				211	
857		203						
861			3					
875						374		16
886		127	75					
892					45			104
892a					178			
892b					250			
892[7]						374		
892[9]					216			
892[11]				246				104
892[12]						185		
892[29]						420		
910								295
911			243					
912a			108	212				
914		212						
915a			50					
925		55						
925a			245					
925b					338			
927a				395	165			
929a			240					
930			319					
930a	125							
938							400	
940a					167			
946					353			
960c			8					
960f	209							
962								261
967	178							
976a								84
993						161		
994						161		
995						161		
996						161		
997						58 161		
998 999 999a 1000 1001 1002 1003						161		
1004			236					
1005			236					
1005a			236					
1005b			236					
1007						64		
1010								226
1014		229						
1021a		271						
1021b					319			
1024				287		264		
1026								342
1033						217r	332	
1034a					208			
1038a					208			
1038b					300			
1038[9]							465	
1038[11]								358
1038[14]								285
1038[19]								319
1038[19]						376		
1040	244	165			354			

Section of Statutes, Amended, Enacted or Repealed.	General Laws — Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885..	1887.	1889.
1040a				258				
1042							238	
1047			208					
1050a			247					
1060			74					
1061							r263	136
1066								479
1069	194							
1070							368	
1072a			269					
1077a		291		212				201
1077b				212				
1079					59			577
1081			269					
1084								3
1085							104	
1087	255							
1089			269					
1090			269					
1095							140	
1110				188				
1121	202							
1127							325	
1130	95 150		213 214				108	
1131	95		213					
1140a					104			
1143			266					
1164						341		
1164a	255		132					
r1164b	255							
1165								415
1168a		220	80					
1168b		220						
1170	95		213			306	186 446	
1170a	150							
1177				48				
1181	194							
1187		309						
1188		309						
1191	194							
1195				254				
1196			153					
1196a			325					
1208	194							
r1208a	295							
1210b	255		128		283	219		
1210c	255							
1210d				250	153			
1210f							345	
1210h		309						
1210j					278			
r1216				320				
1216a				320				
1219	138							
1222a					345			
1222b					353			
1223a						108		
1224							210	
1236					146			
1237a						46		
1240					108			
1240a		60						
1244				215				
1245					26			
1249							179 454	
1252			251					
1258							502	

Section of Statutes Amended, Enacted or Repealed.	General Laws—Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
1267, 1270, 1271, 1272								298
1273					236			
1274						380		266
1275							212	
1276			323					
1280			137					
1291						239		
1294						102		
1294a				253				
1299			273	168				
1303					85			
1304	194				336			
1319	126		315			187		508
1320						345	285	
1321						345	285	
1325a				130				
1325b				155				
1336					31			
1339a						454		
1347a					237	21		
1359						66		
1362a								239
1363			118					
1365			205			138	230, 390	
1371a	187							
1379a		288					495	
1390		107, 158	119	201				273
1390a	107							
1391		138, 307						
1392		138						
1392a					202			
1406						107		
1410a				167				
1410b		252						
1418	18							
1421a		269	288		158			
1430							242	
1436							131	
1437a			256	40				
1447				42		165		167
1452				211				
1454							315	
1455							216	
1455a			112					
1459a	151							
1463						437		234
1465	242						531	
1472					32			
1480		143			228			
1481							233	
1492				121				
1493a	35							
1502			265					
1524							518	
1543							470	
1547a	188			291				
1547e					342			
1548				322		296		
1548a						296	404	
1548b						296		267
1550				322		296		
1550a						296		
1551				322				
1553				322				
1554			174	322		426	268	
1555				322		426		

Section of Statutes Amended, Enacted or Repealed.	General Laws — Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
1556		312	r204	51 322		438		447
1557			174	322				
1558			174	322				478
1560				322				
1562					156			
1565				322	284			
1570			100	218		203		510
1571								510
1572								510
1575			100					
1576			100					510
1582	194							457
1583	194							510
1585						291	334	
1586						291	334	
1586a							334	
1587						291	334	
1588						291	334	
1590					r160	291	334	
1600			252					
1600a			252					
1601			239					
1602			239					
r1623		57						
r1624		57						
r1625		57						
r1626	254							
r1627	254							
r1628	254							
1629	r106		150					
r1630	254							
1630a			150	89	116			
1658 1659 1660 1661 1662						181		
1665			121					
1670a	174							
1675	194							
1693a					349			
1697						251	317	
1700	194[13]							
1701				70				
1702							548	
1702a				170				
1702b					240			
1702c							548	
1728					135			
1730			225	198		112		
1733			225	193		112 288		
1738								441
1743						266		
1744a				214				
1744b					267			
1750a		193	189					
1753			93					
1770a					229			
1771					230		180 352	
1772					241			
1772[2]			r143			256		
1772[3]	7							
1772[7]					241	353		
1775			133		70			
1775a					221			
1777				318				
1777a		279						
1780	211							
1780a				208				
1785a					171			

Section of Statutes Amended, Enacted or Repealed.	General Laws—Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
1791					118			
1791a				196				
1791b					277			
1792			300					
1792a			300					
1794						198		439
1797		235	234					
1797a					258			
1799							487	
1807							249	516
1808							107	379
1810			193					
1815			318					
1816		323						435
1824a			27					
1828[9]					185			
1828a				286				
1831a					276			
1833		260		268	293			
1839a					274			
1858				266				
1862			219					
1863		231						
1886							213	269
1887							213	269
1888							213	269
1892							213	269
1897[8]							33	
1915[9]								335
1926						306		242
1927						421		212
1928		28						
1922				146				
1931		134	48	187	189	421		204
1932				146				
1932a							306	
1933			13	146				
1934				146				253
1935	251		42	146 240				476
1937				146				
1938			48	205	168	421		
1940		211	260			421		28
1941						421		
1941c							5	
1942a					44			
1946				166				
1946c		126		166				
1947						101	309 546	
1948							309 546	
1949							309 546	
1950							309	
1951				204			309	
1952							309	
1953							309	
1953a		105		237				
1953b	204		246	249	94	453	49 198 506 534	334
1953c				251				
1954							309	
1955							309	
1956	194							
1966		221						
1967			300					
1967a					43			

Section of Statutes Amended, Enacted or Repealed.	General Laws — Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
1968a	171							
1968b		240	300					
1971							319	
1972	162							
1977		240						
1987								168 328
1992					79			312
1997	70 252					385		
2001	94							
2001a		284						
2001b					37			313
2002					55	19	264 208	
2009							98	
2010				1		127		
2011				1				
2012				1				
2014							93	
2014a					294			
Ch. 94							302	
2023								523
2023a		223						
2024	194							
2029							551	
2061					290			
2172				265				
2187						109		
2205a					348			
2212							327	
2213								345
2216		129						
2216a		9						
2230	194							
2235	194					365		
2256					100			
2264a				52				
2265						60	279	
2270a					219			
2271					301			
2272a				222				
2283	194							
2313						218	268	
2319a					81			
2345			99					
2347								271
2356			r297	230				
2376a								280
2400						132		
2422a			140	180	101 169			
2423				34	47			
			37	55	172			
				140	288			
2424	32		5	3			82	50–51
	43		35	55		3	224	66–111
	52		37	90	61	17	402	119–297
	61	109	63	125	68	134	r466	120
	181		159	140	87	135	488	317–350
	206		238	157	288	169	511	391–508
				179				
2426						141		294
2433			10 151		107	110	506	121
2434						369		
2437	89							
2438								188
2449					42			
2452				310				

Section of Statutes Amended, Enacted or Repealed.	General Laws—Years, Chapters and Amendments.							
Number of Section.	1879.	1880	1881.	1882.	1883.	1885.	1887.	1889.
2454a		313						496
2457								262 496
2464				41			443	
2465	31							
2465a		58						
2466a			17					
2467	31						419	2[illegible]
r2468	31							
2469	31 225		18 276					
2475	31	219						
2478		86						
2482	31						471	
2483		262 183	152		17			176
2484				150				
r2486				150				
2489		216						
2490		216						
2494				150				
2497				150				
2498		216						
2499	256							
2500	256							
2501	256							
2507					108			
2509					108			
2511	256							
2513	200						378	
2514			130	230				
2523		27						483
2525					270			
2532								140
2533								140
2535								140-294
2536								140
2545								140
2573							245	
2576	194					142		
2577	146							
2586[2]			144			63		
2586[6] 2586[7]						63		
2610					41			
2612a					249			
2614				327				
2614[3]								142
2619[4]						111		
2624						366		
2625							306 435	
r2625a					r314	41		
2626								166
2628							306	
2637[6]							552	
2681	194							
2682	194							
2683	194							
2684	194							
2728					6			
2731		233						
2731a					249			
2731[7]		256				39		
2736a					249	259		
2742			329					
2747						343		
2748			157					
2753			86			266		
r2758					249			
2763						314		
2766			86					
2771						178		229

Section of Statutes Amended, Enacted or Repealed.	General Laws — Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
2815	194							
2849			9					
2894a				202				
2902a		93						
2918[6]			52					
2922		147						
2925			22					
2927		91						
2969	194							
2969a					25			
2982[5]							536	
2982[6]	63			117			536	
2982[8]			56	317	141			
2982[11]						336	536	
2982[13]							536	
2982[14]							536	
2982[15]							536	
2982[17]							536	
2982[19]							536	
2982a					69			
2983				r317	141			
3042a					49			
3074						252		
3078								277
3087		305						
3149			208					
3150			208					
3151			208					
3152			208					
3159	194							
3164								186
3180				190				
3187						426		
3189				307				
3252						368		
3314			328			349	422 466	275 399
3315						312	535	338
3318			287	84				
3321			328					
3322			328					
3324			328					
3326		187						
3329	r167	r62	r330	r319		r.69	530	145 413
3330	r167	r62	r330	r319		469	530	413
3331		192	330	319		192 469	530	413
3332								454
3333			330	319		469	530	
3334a		222		319				413
3335			330	319		469	530	
3337			141					
3340			330	319		469	530	
3342a				273				
3351[4]			76					
3358[3]				326				
3368		191						
3418			185					
3452		231						
3477						369		
3536[3]							267	
3569							196	
3571							197	
3594							372	
3608					* 261		265	
3612	194							
3616					197		197	
3626[4]				197				
3669							31	
3702[2]							191	
3718							405	
3718a		253						

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Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
3721.			313					
3722.			313					
3723.							190	
3723a.							223	
3723b.							223	
3725.		207						
3726.					24			
3754.							166	
3756.			66					
3760.			66					
3761.			66					
3763.							166	
3774.		174						
3783a.					223			
3819.							320	7[illegible]
3821a.			60					
3840.								49[illegible]
3841.								50[illegible]
3873a.			236					
3875.		65						
3878.		65						
3965.							201	
3969.			136					
3970.							355	
3992.								6[illegible]
3995.			192					
4021.							45	
4022.							45	
4041a.			227					
4045.							395	
4049.	216							
4053.	194							
4067.						232		
4086.			165					
4096.				194		321		3[illegible]
4151a.	20							
4153.		18						
4167.				123				
4189a.			230					
4189b.			324					
4203.					119			
4253.							280	
4269.				239				9[illegible]
4276.	194							
4276a.	77							
4286.				313				
4288.				313				
4300.							166	
4304.	194							
4353.	r189	269	288					
4376.			79					
4378.								25[illegible]
4380.							243	
4381.								36[illegible]
4382.							193	36[illegible]
4385.				330				
4387.				257				21[illegible]
4387a.							286	
4389.		265						
4394.					20			
4395.		267						
4397a.				116				
4397b.					379			
4398.				189				
4413.					19			
4415.		67	170			278		
4415a.								8[illegible]
4445.		179						
4445a.								
4445b.								36
4445c								
4445.		295						
4451.		94						

Section of Statutes Amended, Enacted or Repealed.	General Laws—Years, Chapters and Amendments.							
Number of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.
4480						174		
4490		230						264
4494		230						
4504						228		
4509a				296				
4539a				286				
4558			162					
4559						447		
4560			218	285				
4560a			46					
r4561		321	289	115				
4561a			289	115				
r4563	193							
4563a		287						
r4564		277	312				374	
r4565		r170		207 328		351	374	442
4565a			299				374	
4566							374	
4570a			184					
4570b			220					
4570c		314						
4575								400
4575a						50		
4575b	183							
4580				73				
4581a				282				
4587a		239						
4587b			119					
4587c			200			422		
4589							116	332
4589a							92	
4598a		29						
4608a	248							
4608b			40					
4608c			168					
4633			72			346		
4653								257
4654			173					
4667		125						
4686a					218			
4686b					218			
4697					164			
4719								274
4733								304
4738								141
4760		66						
4765		31						
4769						201		
4772						117		
4793								141
4794						379		
4835a				206				
4864a	207							
4865a					12			
4866							137	
4867							137	
4868							137	
4869							137	
4870						339		
r4882			147	110				
4938a		238						
4942				158				217
r4964			298	15				
4968						206		
4970			242	175				
4971	194							
4978a	194							

APPENDIX "B."

SESSION LAWS AMENDED OR REPEALED SINCE REVISION OF 1878.

[For City Charters See Vol. 2.]

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889
1851.								
To repeal ch. 32, (bridge across Fox river, Depere)	....	....	332	....	....	....	....	....
1852.								
To amend ch. 43, (Milwaukee Mechanic Mutual Ins. Co.)	....	....	....	....	245	....	....	....
1854.								
To amend sec. 3, ch. 296, (Galesville University)	....	....	....	112	....	....	....	....
1855.								
To amend ch. 171, (Janesville Manufacturing and Hydraulic Company	....	....	....	....	....	....	298	....
1861.								
To repeal ch. 175, (Railroads)	....	.	....	....	....	356	....	....
1863.								
To repeal sec. 2, ch. 23, (Highway Tax, Clayton)	....	....	84	....	....	....	....	....
To amend secs. 3 and 5, ch. 323 (Mutual Life Ins. Co. of Wis.)	....	....	....	....	....	....	326	....
1864.								
To amend ch. 409, (Bridge across Fox river, Depere)	....	157	....	....	....	....	....	....
To repeal ch. 409, (Bridge across Fox river, Depere)	....	....	332	....	....	....	....	....
1866.								
To amend sec. 5, ch. 5, (Drainage Fund Manitowoc and Calumet counties)	....	119	....	....	....	....	.	....
To amend ch. 180, (Abstract tax sales Shawano county)	....	....	....	....	235	....	....	....
To amend ch. 6 of chapter 474, (Janesville charter)	....	159	....	....	....	....	....	....
1867.								
To re-enact secs. 1, 2, of ch. 151, (Taxes)	194	....	....	....	....	....	....	....
1868.								
To amend sec. 3, ch. 105, (Sturgeon Bay and L. M. Ship Canal and Harbor Co.)	....	....	31	....	....	....	....	....
1869.								
To amend ch. 247, (Grand Rapids charter)	....	....	....	....	....	....	....	168
1870.								
To amend ch. 24, (Superior Boom Co.)	...	d17	....	....	....	....	....	....

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889
1872.								
To repeal ch. 93 (Improvement of Capitol Park)	139							
1873.								
To repeal ch. 19 (bridge, Wolf river)					331			
To amend sub. ch. 3, of ch. 59 (Prairie du Chien charter)			166					
To re-enact secs. 1, 2, 3, 4, 5, ch. 123, (Assessments)	194							
To amend ch. 148 (Boscobel charter)	111	37						
To amend sec. 1, ch. 159 (dam across Little Wolf river)							226	
To amend ch. 164 (Fort Howard charter)				59				
1874.								
To revise, codify and amend ch. 57 (Columbus charter)					181			
To amend sec. 2, ch. 81 (Taylor Orphan Asylum)				9				
To repeal secs. 8, 9, 10, ch. 123 (Land Grant to Chicago and Northern Pacific Air Line R'y)				10				
To amend ch. 127 (Menasha charter)		217		63			310	
To amend sec. 5, ch. 133 (Oconto charter)		112						
To repeal ch. 137, (Abstract tax sales)					161			
To amend sec. 10, ch. 183 (Eau Claire Municipal Court)		16						
To amend ch. 184, (Milwaukee charter) (See Index, "Milwaukee," page 178)	227	245 268 278	65 181 206 274 294	308 324	307 308 310	196 378 391 405 460 470	28 54 55 359 362 463 489	30 117 182 ....
To amend ch. 250, (Improvement West Branch, Wolf river)				251				
To amend ch. 278, (Shawano charter)					323			
To amend ch. 327, (Swamp Land, Manitowoc and Calumet counties)	78							
1875.								
To amend ch. 48, (Booms St. Croix river and lake)		226						
To repeal ch. 76, (Trout)		321						
To repeal ch. 84, (Boscobel charter)		37						
To repeal ch. 134, (Steam Road Wagons)	193							
To amend sec. 33, ch. 144, (Street Sprinkling, Milwaukee)			254				420	
To amend sec. 8, ch. 178, (Taylor county)	69							
To amend ch. 182, (Preservation of fish, Madison Lakes)	39							
To repeal ch. 238, (County Board, St. Croix county)	93							
To amend ch. 258, (Waupaca city charter)	81	210	212			97		
To amend ch. 262, (Green Bay charter)		285						
To repeal ch. 262, (part of Green Bay charter)		285						
To repeal ch. 262, (Green Bay charter)				169				
1876.								
To repeal (in part) ch. 10, (Clerk of County Court, Winnebago county)							202	
To amend ch. 25, (Municipal Court, Chippewa county)						381	510	
To amend ch. 47, (Appleton charter)	148		114 186	323		441		
To repeal ch. 92, (Game law)						392		
To repeal ch. 99, (County Printing, Waupaca county)	66							
To repeal sec. 2, ch. 111, (Elections, Grand Rapids)					7			
To amend ch. 122, (Portage City charter)	179	167 236	198					
To repeal ch. 122, (Portage City charter)				132				
To amend ch. 135, (La Crosse charter)	80		179 183	173				
To amend ch. 144, (Loan to Wood county)	168							
To repeal ch. 146, (Municipal Court, Wausau)	115							
To amend sec. 1, ch. 156, (Taylor Orphan Asylum)			62					
To repeal secs. 12, 15, ch. 179, (Green Bay)		285						
To repeal ch. 182, (Steam Road Wagon)	193							
To amend sec. 4, ch. 228, (Sturgeon Bay & Lake Michigan Ship Canal)	218							
To amend ch. 231, (Eau Claire)		181 263	87		149	6 328		
To amend ch. 238, (Waupaca charter)			312					
To amend ch. 253, (Care of Poor, Milwaukee county)						267		

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889
To repeal ch. 267, (Dam, Burnett county)			39					
To amend ch. 296, (Wisconsin River Improvement Co.)		292						
To amend ch. 315, (Racine charter)	59	180	123	133	77 246	226	122	
To repeal ch. 367, (Fish, Baraboo River)		294						
1877.								
To amend ch. 39, (Milwaukee Chamber of Commerce)	102							
To repeal secs. 3, 7, ch. 39, (Milwaukee Chamber of Commerce)	102							
To amend above		150						58
To amend ch 74, (Union School District, Monroe)					236			
To amend ch. 89, (Chilton charter)		173				427		93
To repeal ch. 6, of (Chilton charter)					66			
To amend ch. 96, (Care of Poor of Milwaukee county)						267		
To repeal ch. 97, (Preservation of Game)						392		
To repeal ch. 103, (License Fund Chippewa Falls)	105							
To amend ch. 123, (Oshkosh charter)		88	15 89					
To repeal sec. 2, ch. 126, (Green Bay charter)		285						
To repeal secs. 14 to 23, ch. 160, (Fond du Lac charter)	36							
To amend ch. 162, New London charter		100	233	87		221		
To repeal ch. 223, (Railroad Debt, Watertown)			160					
To amend ch. 234, (Dam, Willow River)				154				
To amend ch. 260, (Stevens Point charter)		50	191		209	359	432	
To amend ch. 266, (Phonographic Reporter, Milwaukee and Kenosha counties)					1			
To repeal ch. 293, (Steam Road Wagons)	193							
1878.								
To amend ch. 7, (Public Library Milwaukee)	152						521	
To amend sec. 5, ch. 20, (Clerk Eau Claire county court)				124				
To amend sec. 5, ch. 20, (fees of clerk county court, Eau Claire county)							199	
To amend ch 36, (Health Department, Milwaukee city)				217				
To repeal ch. 37, (Fireman's Relief Fund, Milwaukee city)						176		
To amend ch. 40, (Dredging Milwaukee river)					102			
To amend ch. 43, (Geological Report)		301						
To amend ch. 93, (Mutual Loan and Building Corporations)					127			
To amend ch. 104, (State Road, Kewaunee county)			184					
To amend ch. 107, (Municipal Court, Chippewa county)						381	510	
To amend ch. 112, (Beaver Dam charter)			175	241				
To amend ch. 154, (Neenah charter)	88							
To amend ch. 155, (Loan to Burnett county)	197							
To amend ch. 158, (Two Rivers charter)					311			
To repeal sec. 12, ch. 6, of ch. 158, (Two Rivers charter)					311			
To amend ch. 159, (Chippewa Falls charter)	19		176	219	356			
To amend sec. 10, sub-ch. 4, of ch. 159, (Chippewa Falls charter)	19							
To repeal sec. 1, ch. 161, (Green Bay charter)		285						
To amend ch. 171, (Union School Law, Watertown)	122		36					
To amend subd. 19, ch. 194, (Courts)						142		
To amend ch. 195, Waupun charter	180			91				
To repeal chapter 200, (Protection of game St. Croix county)						40		
To amend ch. 203, (State Road, Wood and Marathon counties)	226							
To amend secs. 1 and 3, ch. 206, (Apple River Log Driving Co.)				134				
To amend ch. 207, (Namakagon & Totogatic Dam Co.)						74		
To repeal ch. 238, (Town Hall, town of Amherst)	60							
To amend ch. 247, (Ft. Atkinson charter)				97		128 373		
To repeal secs. 6, 7 and 8, ch. 259, (State Road, Shawano and Marathon counties)	104	24						
To amend ch. 263, (Jefferson charter)	51 163		29					
To amend ch. 270, (Abstracts, Outagamie county Register of Deeds)			200					
To amend title to ch. 274, (Norgegian Lutheran Synod)						89		
To amend sec. 1, ch. 279, (Milwaukee and Brookfield Turnpike Co.)		8						

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889
To repeal ch. 281, (Improvement Burnett river)				260				
To repeal ch. 291, (Dam across Sucker Branch)				86				
To repeal ch. 298, (Free Bridge across Wisconsin River, Grand Rapids)								173
To amend sec. 1, ch. 307, (Authorizing Supervisors of Milwaukee county to borrow money)						270		
To amend sec. 1, ch. 318, (Dam on Court O'Rielle River)	27							
To amend ch. 332, (Lients for labor, etc., done for city Milwaukee)				261				
To amend ch. 341, (Printing, State Historical Society)							436	515
1879.								
To amend sec. 1, ch. 9, (Terms Court, 7th Circuit)					68	3		
To repeal ch. 16, (Report of Board of Health)						107		
To amend ch. 22, (Exemption N. Wis. Ry. Lands)	219							
To repeal ch. 21, (Supplying private party with trout)				160				
To amend sec. 1 ch. 29, (Authorizing Shellsweek to build a pier)		131						
To amend ch. 31, (Change of place of trial)							419	
To amend ch. 52, sec. 1, (Terms of Court, 8th Circuit)						135		
To amend ch. 59 (Racine charter)				133				
To amend ch. 63, (Property Exempt from Execution)				117				
To amend ch. 67, (Election of Justices of Peace, Watertown)	140	254						
To amend ch. 79, (Distribution of Geological Report)				315				
To amend ch. 103, sec. 14, (Tax Deeds, Price county)		218						
To repeal ch. 104, (State Road, Shawano and Marathon counties)		24						
To amend ch. 108, secs. 1 and 2, (State road, Kewaunee county)		11						
To repeal ch. 114, secs. 12 and 14, (part of boundary line between Langlade and Shawano counties)		247						
To amend ch. 115, (Municipal Court, Marathon county)				79				
To amend ch. 120, (Ahnapee charter)						261	545	
To amend ch. 121, (Attendance School Children)				298			73	
To amend ch. 127, (Dam on Cawley Creek)								179
To repeal sec. 5, ch. 121							73	
To amend ch. 136, (Dam, Red Cedar river)				78				
To amend ch. 137, (Dam Yellow river)				95				
To amend ch. 141, (Distribution Blue Book)		123						
To repeal ch. 143, (Noxious Weeds)						233	312	
To amend ch. 147, (Dam, Willow river)		208						
To amend ch. 151, sec. 4, (State Horticultural Society)							14	
To amend ch. 163, (Jefferson charter)			28					
To amend ch. 165, (Yellow River Improvement Co)			44	156				
To amend ch. 167, (Lien on Logs and Timber)		62	330					
To repeal ch. 167, (Lien on Logs and Timber)				319				
To amend ch. 176, (Board of Immigration)		194	223					
To repeal ch. 176, (Board of Immigration)							21	
To amend ch. 179, (Portage city charter)		167						
To amend secs. 1 and 2, ch. 182, (Fisheries in Lower Fox)						417		
To amend ch. 188, secs. 3, 8 and 11, (Vagabondage, Suppression of				291			470	
To amend ch. 190, (Division of Towns)			73	226				
To amend ch. 191, (Dam on Yellow river)			253					
To repeal ch. 192, (Game Law) secs. 5 and 6		287						
To amend ch. 200, (Municipal Court, Milwaukee county)							378	
To amend ch. 204, (Charitable Secret and Benevolent Orders)							42 198 509 534	
To repeal ch. 205, (Eligibility of County Treasurer)		87						
To repeal ch. 231, (Authorizing Chippewa Falls to issue bonds)			156					
To repeal ch. 233, (Registers of Electors, city of Milwaukee)			95					
To amend ch. 239, (Oconomowoc charter)			199 231			257		
To amend ch. 240, (Fond du Lac charter)		12 227	148	31				
To repeal ch. 240, (Fond du Lac charter)					152			
To amend ch. 241, (Seymour charter)				62	98		57	
To amend ch. 245, (Free High Schools)			146		273	420		466
To amend ch. 251, (Insurance Corporations)			42					

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889
1880.								
To repeal ch. 12, (Fond du Lac charter)	....	....	....	....	152	....	....	....
To repeal ch. 62, (Liens on Logs and Timber)	....	....	330	319	....	....	....	....
To amend ch. 67, (Larceny)	....	....	....	....	....	....	278	....
To amend ch. 79, (Kewaunee Harbor Commission)	....	....	....	23	....	....	....	....
To amend ch. 83, (Platteville charter)	....	....	104	....	....	....	....	....
To amend secs. 1, 2, 3, 6, and 7, ch. 95, (Outagamie county to borrow money)	....	....	237	....	....	....	....	....
To repeal ch. 100, (New London)	....	....	....	87	....	....	....	....
To amend ch. 105, (Accident Ins. Co., to do business in this state)	....	....	....	227	....	....	....	....
Repeal of ch. 114, (Killing deer in Ashland, Bayfield and Douglas Co's.)	....	....	....	....	....	....	....	367
To amend ch. 123, (Blue Book)	....	....	....	14	....	....	....	....
To amend ch. 127, (Justice of the Peace)	....	....	75	....	....	....	....	....
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1856.								
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1859.								
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1860.								
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1862.								
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1863.								
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1864.								
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1866.								
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1869.								
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Note.—For amendments to various city charters see Vol. 2, 1889.

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